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STATUTES

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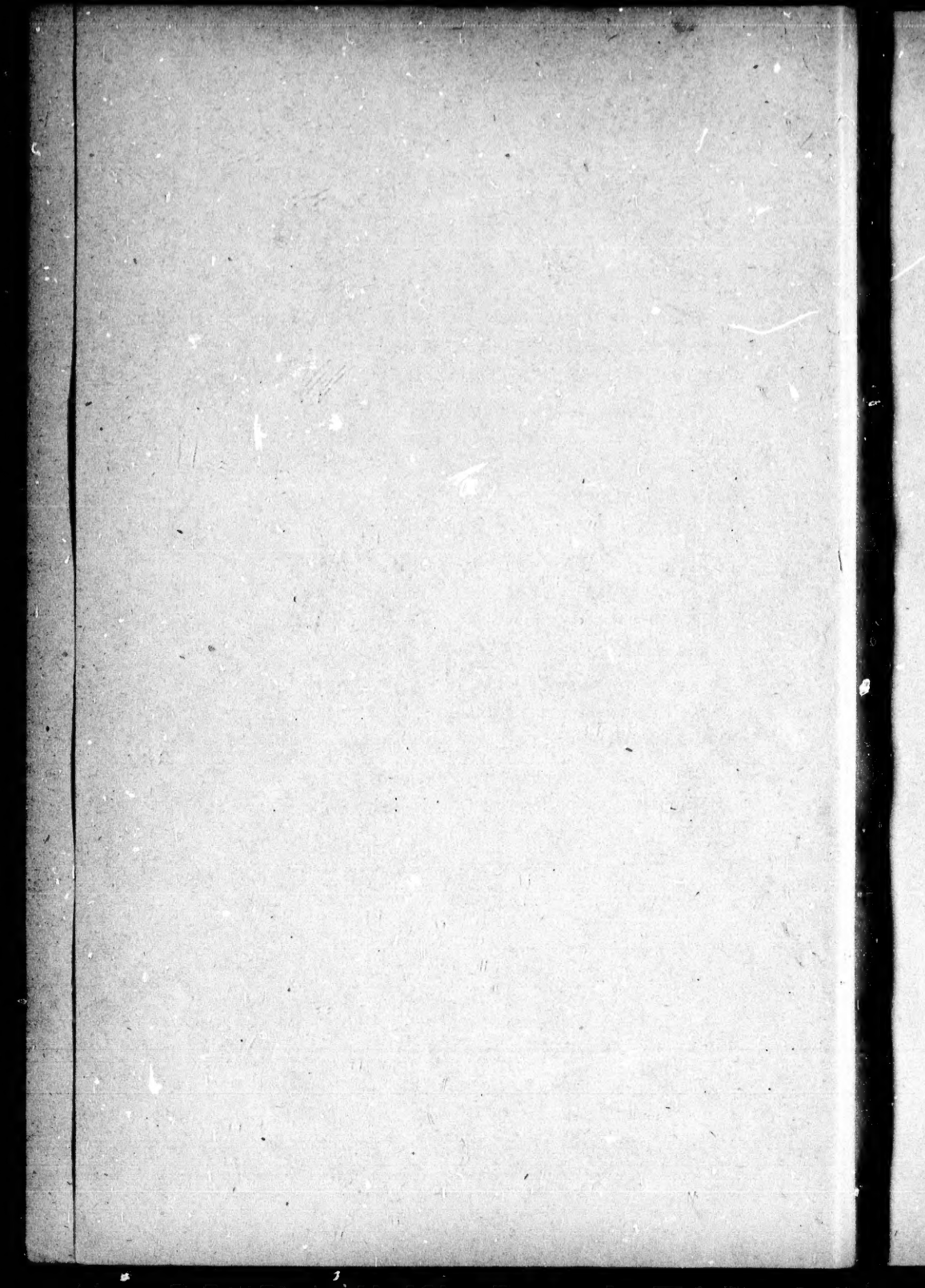
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1894.

98227

The Committee appointed by the City Council to consolidate the City By-laws, upon the completion of that work in 1890, ordered a compilation to be made of all statutes specially relating to Toronto. The statutes, or parts of statutes contained in this volume, are, for the most part, those exclusively relating to the city, apart from such legislative enactments as govern or affect it in common with the other cities of the Province. The volume also contains statutes, or parts of statutes, of private corporations which have special rights or privileges within the city. The sections of all these statutes, for convenience of reference, have been, so far as possible, consolidated and arranged under appropriate headings. The compiler has to thank C. R. W. Biggar, Esq., Q.C., Thomas Caswell, Esq., and Allan M. Dymond, Esq., for their valuable suggestions and assistance in the preparation of this volume ; he is also indebted to W. A. Littlejohn, Esq., Assistant City Clerk, for the care and labour which he has bestowed on the preparation of the index.

F. J. J.

Toronto,
1st October, 1894.



STATUTES

OR

PARTS OF STATUTES PRINTED OR REFERRED TO.

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STATUTES

SPECIALLY RELATING TO

THE CITY OF TORONTO.

AGRICULTURE AND ARTS.

R. S. O. (1887) c. 89.

An Act for the Encouragement of Agriculture,
Horticulture, Arts and Manufactures.

*The City of Toronto constituted one Electoral District
and to receive not more than \$550 of the Legislative
grant in any one year. See R. S. O. (1887) c. 39, s. 57
(2).*

ALDERMEN.

57 Vict. c. 50 (Ont.)

The Municipal Amendment Act, 1894.

[Assented to 5th May, 1894.]

* * * * *

3.—(1)* In cities having a population of 100,000 or more the council may by by-law determine that an annual remuneration, not exceeding \$300, may be paid to aldermen in large cities.

* Section 232 (a) of *The Consolidated Municipal Act, 1893.*

ASHBRIDGE'S BAY.

men, and that an annual remuneration not exceeding \$100 in addition may be paid to the chairmen of the standing committees and of the court of revision and board of health, and it shall be provided that in the case of aldermen or chairmen there shall be deductions from such remuneration on account of absence from meetings of the council or committees or court of revision or board of health.

(2) The provisions of this section shall apply to the current year as well as to future years. 57 V. c. 50, s. 8.

* * * * *

ARBITRATIONS.

55 Vict. c. 42 (Ont.)

An Act to Consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

Arbitrations to ascertain compensation for lands taken or injured, by cities containing one hundred thousand inhabitants. See 55 V. c. 42, s. 487.

ASHBRIDGE'S BAY.

54 Vict. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1892.]

Power to re-claim marsh in Ashbridge's Bay.

6. Subject to the provisions of section 344 of *The Municipal Act*, the corporation of the city of Toronto may take such steps as they may consider necessary to reclaim cer-

tain waste marsh lands in the neighbourhood of Ashbridge's Bay, and may by by-law determine what lands will be benefited by the said improvement, and the proportion in which the cost thereof should be assessed against the said lands so respectively benefited, and also the proportion (if any), of the cost of the said improvement which should be assumed by the city at large, and may assess and levy the portions to be borne by the lands benefited against the said lands in such relative proportions and payable within such period as the said corporation may determine by the same or any other by-law; there shall be the same right of appeal from any such proposed assessment to the court of revision and the county judge as is provided in section 569 of *The Municipal Act*, and the proceedings thereon R. S. O. shall be the same as in the case of appeals from ordinary assessments under *The Assessment Act*: Provided always ^{c. 134.} that notwithstanding anything in this section contained R. S. O. all letters patent from Her Majesty to the said city of ^{c. 193.} Toronto and especially those certain letters patent from Her Majesty to the said city of Toronto bearing date the 18th day of May, 1880, and the 17th day of April, 1882, and all matters, terms, conditions, stipulations and provisions contained in any and every of such letters patent and all the rights, interests and control either of Her Majesty or of the Province of Ontario of, in, to or out of or in respect of any and all lands covered by the waters of the said Ashbridge's Bay, and of, in, to and out of or in respect of any and all waste marsh or other lands in the neighbourhood of Ashbridge's Bay shall to all intents and for all purposes remain, continue and exist in full force and effect and without any varying or alteration thereof and as if this Act had not been passed. 54 V. c. 82, s. 6.

* * * * *

55 Vict. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

* * * * *

1. For the purpose of carrying out the proposed reclamation of Ashbridge's Bay and the marsh lands in the neighbourhood thereof, the corporation of the city of Toronto may make agreements with Robert Alexander and L. H. Stevens,* or with any other persons providing for a

* See 55 V. c. 103 (Ont.) "An Act to incorporate The Toronto and Ashbridge's Bay Improvement Company.

lease (with or without the right of purchase) to the said persons, with or without other persons, of the lands and lands covered with water comprised in certain letters patent from Her Majesty to the said corporation, dated May 18th, 1880, and April 17th, 1882, and for carrying out a scheme for the reclamation and improvement of the said lands, including the marsh and Ashbridge's Bay, and such agreement may provide for the exemption from taxation for a period to be therein named, of any or all of the lands so to be reclaimed, and of the improvements to be made thereon, including machinery and plant; but any such agreement shall be subject to and have no effect without the approval of His Honour the Lieutenant-Governor in Council. 55 V. c. 90, s. 1.

* * * * *

56 Vict. c. 85 (Ont.)

An Act respecting the City of Toronto.

[Assented to 27th May, 1893.]

* * * * *

Issue of debentures for Ashbridge's Bay improvements authorized.

9. The corporation of the city of Toronto may, without submitting the same to a vote of the ratepayers entitled to vote upon money by-laws, issue "City of Toronto General Consolidated Loan Debentures" to an amount not exceeding \$140,000, to defray the cost of certain proposed improvements in and in the neighbourhood of Ashbridge's Bay, as referred to in Report No. 37 of the committee on works of the council of the said corporation, adopted by the said council on the 21st day of November, 1892, and may enter into contracts for the carrying out of such works or any part thereof, or may do the same or any part thereof by day labour, and may purchase the necessary plant and material therefor, as to the said council may from time to time seem proper, and may, if necessary, borrow money in advance from banks or other corporations or persons, to pay for such improvements, to be repaid by the proceeds of the sale of such debentures when issued, and sold or hypothecated. 56 V. c. 85, s. 9.

* * * * *

ASSESSMENTS.

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1. TAKING ASSESSMENTS—COURT OF REVISION.

55 Vict. c. 48 (Ont.)

An Act to consolidate the Acts respecting the
Assessment of Property.

[Assented to 14th April, 1892.]

52.—(1) In [the city of Toronto] the council, instead of being bound by the periods * * * mentioned [by *The Consolidated Assessment Act, 1892*], for taking the assessment, and by the periods named for the revision of the rolls in cities, rolls by the court of revision, and by the county judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment before the 30th day of September, the rolls being returnable in such case to the city * * * clerk on the 1st day of October; and in such case the time for closing the court of revision shall be the 15th day of November, and for final return by the judge of the county court the 31st day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year as the basis of the assessment of that year. R. S. O. 1887, c. 193, s. 52: 54 V. c. 82, s. 13.

55. If the council of the municipality consists of not more than five members, such five members shall be the court of revision for the municipality. 55 V. c. 48, s. 55.

When of more than five. **53.** If the council consists of more than five members, such council shall appoint five of its members to be the court of revision. 55 V. c. 48, s. 56.

Appointment of Court of Revision in large cities.

56a.—Notwithstanding anything contained in the two preceding sections, the council of any city having a population of 40,000 or over, may by by-law appoint in each year as the court of revision for the municipality, three persons, none of whom shall be a member or officer of, or or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such court of revision; and such persons so appointed shall be a court of revision for such city, and the court shall have the same powers as a court of revision appointed under the above sections, and those sections of this Act and *The Municipal Act* which apply to courts of revision, and are not inconsistent herewith shall apply hereto, and this section may be read therewith. 55 V. c. 48, s. 56a.

* * * * *

2. CONFIRMATION OF ASSESSMENTS.

29 Viot. c. 68.

An Act to legalize certain Assessments in the City of Toronto and to enable the said City to recover the Taxes rated and charged.

[Assented to 18th September, 1865.]

Effete.

29-30 Viot. c. 73.

An Act to repeal the Act to legalize certain Assessments in the City of Toronto, and to enable the said City to recover the Taxes rated and charged.

[Assented to 15th August, 1866.]

Effete.

54 Viot. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1881.]

* * * * *

12. By-law number 2577 of the said corporation, [of the city of Toronto] printed as schedule "C" hereto, is hereby confirmed, and the said corporation is declared to have had power to pass the same. 54 V. c. 82, s. 12. By-law 2577 confirmed.

* * * * *

SCHEDULE C.

(See Section 12.)

No. 2577.—A by-law to confirm certain assessments made for improvements, works and services to be paid for by local assessments on the property immediately benefited thereby.

[Passed April 14th, 1880.]

Whereas it is provided by *The Municipal Act* that the council of every city may pass by-laws for providing the means of ascertaining and determining what real property would be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed on the real property benefited thereby, and of ascertaining and determining the proportion in which the assessments are to be made on the various portions of real property so benefited: and whereas on the eighth day of December, 1884, by-law No. 1522, being a by-law respecting local improvements and special assessments therefor, was passed by this council; and whereas various improvements, works and services have been recommended by the city engineer, approved of by the committee on works, and adopted by the council, all of which have been submitted to the court of revision, and duly confirmed by that court, and by the county judge in cases where there has been an appeal therefrom; and whereas the provisions of said by-law 1522, relating to said works, improvements and services, may not have been strictly complied with in all respects; and whereas it is desirable to confirm the said assessments, notwithstanding any failure to comply with all the conditions of said by-law 1522;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows :

1. That the improvements, works and services recommended by the city engineer since the eighth day of December, 1884, the cost of which improvements, works or services was recommended to be assessed against the real property to be benefited thereby, and which recommendations were approved of by the committee on works, and adopted by the council, and were submitted to the court of revision and duly confirmed by said court, and by the county judge in cases where there has been an appeal from said court, and all assessments therefor are hereby validated and confirmed, notwithstanding that the provisions of by-law 1322 respecting the same may not have been strictly complied with in regard thereto. 54 V. c. 82, Sched. C.

3 LOCAL ASSESSMENTS.

55 Viot. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

* * * * *

Power to issue
debentures
for street
railway pave-
ments.

4. The corporation of the city of Toronto may construct, repair, renew and maintain pavements on those portions of the streets of the said city occupied by the right of way of the Toronto Railway Company (being a width for single tracks of eight feet three inches, and for double tracks of sixteen feet six inches.) * * * 55 V. c. 90, s. 4, *part*.

Power to pave
remainder of
streets.
55 V. c. 42.

5. Pursuant to the powers contained in and according to the procedure provided by *The Municipal Act*, the said corporation may at the same time or at any other time, pave the remaining longitudinal sections of the said streets, and may assess the cost thereof as a local improvement upon the abutting properties pursuant to the provisions of the said Act, and in construing the said Act, it shall be held that such paving is a work of the class referred to in sub-section 2 of section 612 of the said Act. 55 V. c. 90, s. 5.

* * * * *

4. TERRITORY ADDED IN 1887.

52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

10. The persons or corporations whose names appear on Taxes for 1888 the assessment roll of the township of York, as finally on territory revised and corrected for the year 1887, as the owners and annexed by occupants of the lands annexed to the city of Toronto by of 24th Sept., the Proclamation of His Honour the Lieutenant-Governor 1887. of Ontario in Council, dated the 24th day of September, 1887, and the said lands respectively are hereby declared to be and to have been on the first day of January, 1888, severally liable to the city treasurer of Toronto for taxes at the rate of 14½ mills in the dollar, upon the assessed value of the said several properties aforesaid, the said rate being that which was fixed as the rate of taxation upon property in the city of Toronto by by-law No. 2075 of the corporation of the city of Toronto. 52 V. c. 73, s. 10.

* * * * *

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AUDITORS.

AUDITORS.

55 Vict. c. 42 (Ont.)

An Act to consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

Report of
auditors.

259.—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure.

Appointment
of auditors
for Toronto.

(2) The treasurer shall prepare in duplicate, not later than the 1st day of April, in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit this abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on or before the 1st day of May shall transmit one copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same, at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 55 V. c. 42, s. 259 (1).

* * * * *

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1. INCORPORATION OF THE CITY, 1834.

4 WILL. IV. c. 23.

An Act to extend the limits of the Town of York ;
(a) to erect the said Town into a City ; and to
incorporate it under the name of the City of
Toronto.

[Passed 6th March, 1834.]

* * * That all that part of the county of York Boundaries,
which lies within the following limits, that is to say :—
Commencing at the distance of one chain on a course
south, sixteen degrees east from the south-westerly corner
of lot number two in the first concession from the bay in

(a) The original town plot was in the form of a parallelogram, bounded
on the north by Duchess street, on the south by Front street, on the east
by Ontario street, and on the west by George street. On the 10th June,
1797, a plan for the enlargement of the town of York was signed by Pre-
sident Russell, in Council. It included a tier of acre lots on the east side
of Ontario street, between Front street and Queen street, and extended
the limits of the town, between Front street and Queen street to York
street. In 1798, the town was extended between Front street and Queen
street to Peter street. In 1817, when York was made a police town, it
was enacted by 57 Geo. III. c. 2, s. 1, "That the beach east of Russel's
creek" (which had its outlet a few feet west of the foot of Simcoe street),
"and the carriage-way in front of the town of York be taken and
considered as part of the said town and be subject to the regulations of
its police." About the year 1831, a portion of the land reserved for
military purposes laying to the west of the town was laid out, and the
town was extended westerly to a point about 307 feet west of the north-
west corner of Front and Bathurst streets, thence north-westerly to
Tecumseh street and along a segment of a circle about 219 feet from the
west side of Niagara street to King street, which was subsequently
extended to Queen street.

Southerly. the township of York, in the county of York; thence southerly in the direction of the side line between lots numbers two and three in that concession to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence westerly through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the north-westernmost point of the Island or Peninsula forming the harbour; thence across the bay or harbour of York to a point where a line drawn southerly from the north-easterly corner of Park lot number twenty-nine in the said township of York in the direction of the easterly boundary line of the said Park lot intersects the margin of the water on the shore of Lake Ontario; thence northerly in the direction of the said line so drawn from the said corner of the said Park lot through the said corner to the point at which the said line so drawn through the said corner intersects the northerly boundary line of the allowance for road between the Park lots and the second concession from the bay in the said township of York; thence easterly along the said northerly boundary line of the said allowance for road to the easterly shore or water's edge of the river Don; thence southerly along the water's edge on the eastern side of the said river to the point where the said water's edge intersects the southerly boundary line of the allowance for road in front of the said first concession; thence easterly along the southerly boundary line of the allowance for road in front of the said first concession to the place of beginning: except so much thereof as by certain indentures bearing date the tenth day of December, one thousand eight hundred and twenty-eight, the nineteenth day of May, the fifteenth day of August and the second day of December, one thousand eight hundred and twenty-nine, respectively, has been conveyed to the University of King's College or the chancellor, president and scholars thereof, (b) shall from henceforth constitute the city of Toronto and the liberties thereof. (c) Provided always that such limits of the said city and the liberties thereof respectively shall and may be altered with respect to each other from time to time as hereinafter provided.

Westerly, through the waters of Ontario. Five hundred feet from the margin. To 500 feet from north-west point of peninsula across the Bay.

Northerly.

Easterly.

Southerly.

Easterly to place of beginning.

Excepting the lands conveyed to King's College.

City and liberties of Toronto.

Proviso for future alteration of boundaries.

4 Wm. IV. c. 23, s. 2.

Limits of City.

3. * * * That so much of that part of the county of York described in the second clause of this Act, except as

(b) The College avenue and the Queen's Park were included in the city by 9 V. c. 70, s. 1, p. 15, and the territory described in this section (with the avenue and park included), was the city as defined by 12 V. c. 81. Sched. C. 3.

(c) Liberties and outer wards in all cities were abolished by 22 V. c. 99, s. 20. (C. S. U. C. c. 54, s. 20.)

before excepte as lies within the following limits, that is to say:—Commencing at the distance of one chain on a course north seventy-four degrees east from the south-east angle of Park lot number three in the said township of York; thence south sixteen degrees east upon a continuation of the allowance for road between Park lots numbers two and three to the water's edge of the bay in front of the town of York; thence westerly along the water's edge of the said bay to the point at which the westerly limit of the allowance for road between Park lots numbers eighteen and nineteen in the said township of York being produced southerly intersects the said water's edge; thence northerly in the direction of the said westerly limit of the said allowance for road to the distance of four hundred yards north of the northerly boundary line of Lot street; thence easterly parallel to Lot street to the easterly boundary line of the allowance for road between Park lots numbers two and three; (d) thence south sixteen degrees east along the easterly boundary line of the said allowance for road four hundred yards more or less to the place of beginning shall constitute the city of Toronto; (e) and that the said city shall be and the same is hereby divided in five wards, to be called respectively the wards of Saint George, Saint Patrick, Saint Andrew's, Saint David's and Saint Lawrence. 4 Wm. IV. c. 23, s. 3.

City divided into wards.

4. * * That St. David's Ward shall consist of all that part of the said city which lies to the northward of the northerly boundary line of King street and King street east to the eastward of the westerly boundary line of Yonge street. 4 Wm. IV. c. 23, s. 2.

Ward of St. David.

5. * * That St. Andrew's Ward shall consist of all that part of the said city which lies between the northerly boundary line of King street and the northerly boundary line of Lot street and west of the westerly boundary line of Yonge street. (f) 4 Wm. IV. c. 23, s. 5.

Ward of St. Andrew.

6. * * That St. Patrick's Ward shall consist of all that part of the said city which lies to the northward of the northerly boundary line of Lot street and west of the westerly boundary line of Yonge street. (g) 4 Wm. IV. c. 23, s. 6.

Ward of St. Patrick.

(d) Except 400 yards of the south part of the College avenue (see sec. (2) which was afterwards included in the city proper by 9 V. c. 70, p. 15.

(e) The territory described in this section with the south part of the avenue included, was the city as defined by 12 V. c. 81, Schedule C. 3.

(f) By 12 V. c. 81, Sched. C. 3, St. Andrew's Ward is described as comprising "all that part of the said city lying between the northerly boundary line of King street east and the northerly boundary line of Queen street east and west of the westerly boundary line of Yonge street."

(g) See note (d) *supra*.

Ward of St.
Lawrence.

7. * * * That St. Lawrence Ward shall consist of all that part of the said city which lies to the southward of the northerly boundary line of King street and King street east and to the eastward of the westerly boundary line of Yonge street (h). 4 Wm. IV. c. 23, s. 7.

Ward of St.
George.

8. * * * That St. George's Ward shall consist of all that part of the said city which lies to the southward of the northerly boundary line of King street and to the westward of the westerly boundary line of Yonge street. 4 Wm. IV. c. 23, s. 8.

Other parts
attached to
the Ward of
St. Lawrence.

To the Ward
of St. David.

To the Ward
of St. George.

To the Ward
of St. Andrew.

To the Ward
of St. Patrick.

Limits be-
tween the
parts so at-
tached, how
ascertained.

9. * * * That until otherwise provided by Act of Common Council, so much of the liberties of the said city as lies to the southward and eastward of the St. Lawrence Ward shall be and is hereby attached to the said St. Lawrence Ward; so much thereof as lies to the northward and eastward of the St. David's Ward shall be and is hereby attached to the said St. David's Ward (i); so much thereof as lies to the southward and westward of the St. George's Ward shall be and is hereby attached to the said St. George's Ward; so much thereof as lies to the westward of St. Andrew's Ward shall be and is hereby attached to the said St. Andrew's Ward; and so much thereof as lies to the northward and westward of the St. Patrick's Ward shall be and is hereby attached to the said St. Patrick's Ward; the limits between the respective portions of the said liberties hereby attached to the different wards of the said city being ascertained by the extension of the boundary lines between the said wards respectively, through the said liberties except the boundary line between the portions hereby attached to the St. Lawrence Ward and that hereby attached to the St. David's Ward which shall consist of the northerly boundary line of King street east to the river Don. 4 Wm. IV. c. 23, s. 9.

(h) By 12 V. c. 81, Sched. C. 3, St. Lawrence Ward is described as comprising "all that part of the said city lying to the southward of the northerly boundary line of King street east and to the eastward of the westerly boundary line of Yonge street."

(i) The liberties in St. David's Ward were apparently abolished by 9 V. c. 70, s. 1, p. 15 when St. James' Ward was formed.

2. COLLEGE AVENUE, UNIVERSITY GROUNDS—ST. JAMES' WARD.

9 Vict. c. 70.

An Act to amend the Act of Incorporation of the City of Toronto (j).

[9th June, 1846.]

* * * * *

1. That so much of the second section as excepts the lands conveyed to the University of King's College or to the Chancellor, President and Scholars thereof from being included within the liberties thereof, and so much of the said section as divides the city into five wards, and so much of the ninth section as provides for the liberties to be attached to St. David's Ward * * of the Act of the Legislature of Upper Canada, passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled *An Act to extend the limits of the town of York, to erect the said town into a city and to incorporate it under the name of the city of Toronto* * * be and the same are hereby repealed. 9 V. c. 70, s. 1.

Certain parts of 4 WILL. IV. c. 23 repealed.

* * * * *

18. * * That the said city of Toronto shall be divided into six wards, to be called St. James, St. David, St. Lawrence, St. George, St. Andrew and St. Patrick, and that until otherwise provided, as hereinafter mentioned, the said four last mentioned wards shall continue to comprise the same parts of the city and liberties respectively as before this Act was passed. 9 V. c. 70, s. 18.

City of Toronto divided into six wards.

19. * * That the St. James' Ward shall comprise all that part of the said city and liberties lying within the following limits, that is to say:—Between the northerly boundary of King street, the easterly (k) boundary of Yonge street, the westerly boundary of Nelson street (l), and the extreme end or verge of the liberties within these boundaries (ll). 9 V. c. 70, s. 19.

St. James' Ward.

(j) Repealed by 12 V. c. 80, Sched. A., the boundaries of the city being described in the next Act, 12 V. c. 81, Sched. C. 3.

(k) Quære "westerly."—See westerly boundary line of St. David's Ward, 4 Will. IV. c. 23, s. 4, p. 13, and 12 Vict. c. 81, Sched. C. 3, p. 17.

(l) Properly—Nelson street and Nelson street produced. See note (m) to sec. 20, p. 16.

(ll) This would make the northern limit Bloor street, and to this ward there would be no liberties. But see 12 V. c. 81, Sched. C. 3, p. 17.

St. David's
Ward.

20. * * * That the St. David's Ward shall comprise all that part of the said city and liberties lying within the following limits: Between the easterly (m) boundary of Nelson street and the northerly boundary of King street eastward thereof to the extreme end or verge of the liberties within those boundaries (n). 9 V. c. 70, s. 20.

* * * * *

3 MUNICIPAL CORPORATIONS ACT, 1849.

12 Vict. c. 81.

An Act to provide by one general law for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada.

[Assented to 30th May, 1849.]

* * * * *

Schedule C.—3 *Toronto*. The city and liberties (o) thereof to consist of all that part of the Province situate in the county of York and lying between the following limits, that is to say:

The same description as in 4 Will. IV. c. 23, s. 2, but including the College avenue and Queen's Park: See 9 V. c. 70, s. 1.

* * * * *

The said city to consist of all that part of the tract of land above described [see 4 Will. IV. c. 23, s. 2] lying within the following limits, that is to say:

The same description as in 4 Will. IV. c. 23, s. 3, but including the south 400 yards of the College avenue. See 9 V. c. 70, s. 1. (p)

(m) Quære "westerly," otherwise Nelson street was not in either ward. See 12 V. c. 81, Sched. C. 3, p. 17.

(n) This would make the northern boundary Bloor street, and the eastern boundary the east side of the river Don to King street, and to this ward there would be no liberties. But see 12 V. c. 81, Sched. C. 3.

(o) Liberties and outer wards in all cities were abolished by 22 V. c. 99, s. 20 (C. S. U. C. c. 54, s. 20). This left the city proper, as the Act of incorporation (4 Will. IV. c. 23) defined the city and liberties, including also the University lands, made part of the liberties by 9 V. c. 70.

(p) The abolition of liberties by 22 V. c. 99, s. 20, doubtless brought the College avenue and Queen's Park into the city, as they were part of the liberties by 9 V. c. 70, s. 1, p. 15, but by 22 V. c. 110, s. 2, p. 317, it was enacted that the University Park (the Queen's Park) shall be part of the city so long as it was under lease to the city.

The said city to be divided into six wards, to be called respectively the wards of St. James, St. David, St. Lawrence, St. George, St. Andrew and St. Patrick, and to comprise the following portions of the said city respectively, that is to say :

The said Ward of St. James to comprise all that part of the said city lying between the northerly boundary line of King street east, the westerly (g) boundary line of Yonge street, the easterly (v) boundary line of Nelson street, and the northerly boundary line of Queen street east. (s)

The said Ward of St. David to comprise all that part of the said city lying to the eastward of the westerly (t) boundary line of Nelson street and to the north of the northerly boundary line of King street east. (u)

The said Ward of St. Lawrence to comprise all that part of the said city lying to the southward of the northerly boundary line of King street east (v) and to the eastward of the westerly boundary line of Yonge street.

The said Ward of St. George to comprise all that part of the said city lying to the southward of the northerly boundary line of King street and to the westward of the westerly boundary line of Yonge street. (w)

The said Ward of St. Andrew to comprise all that part of the said city lying between the northerly boundary line of King street east (x) and the northerly boundary

(g) 9 Vict. c. 70, s. 19, read "easterly," but "westerly" doubtless is right:—See boundaries of St. Andrew's Ward *infra*, and note (k) to 9 V. c. 70, p. 15.

(v) Doubtless should read "westerly":—See description of St. David's Ward *infra*, and 9 V. c. 70, ss. 19, 20, pp. 15, 16.

(s) The boundary of the city proper was 400 yards north of Queen street. This ward, by 9 Vict. c. 70, s. 19, apparently extended to Bloor street. This enactment circumscribed the ward to a north boundary by Queen street, which was 400 yards south of the limit of the city proper, so it would appear that the liberties of the ward (see last paragraph of Schedule C.) extended north from Queen street.

(t) See note (r) *supra*.

(u) The "city" must have meant the city proper, and St. David's Ward could not have extended beyond 400 yards north of Queen street and as far east only as Parliament street (the allowance for road between park lots two and three) to allow for the liberties in the ward mentioned in the last paragraph of Schedule C.

(v) The same as in 4 Will. IV. c. 23, s. 7, p. 14, except that the northerly boundary line in that Act is described as "King street and King street east."

(w) The same as in 4 Will. IV. c. 23, s. 8, p. 14.

(x) The same as in 4 Will. IV. c. 23, s. 5, p. 13, except that the southerly boundary line in that Act is described as "King street."

line of Queen street east (y) and west of the westerly boundary line of Yonge street.

The Ward of St. Patrick to comprise all that part of the said city lying to the north of the northerly boundary line of Queen street west, and west of the westerly boundary line of Yonge street. (z)

The liberties to the various wards described in this Act were the same as those mentioned in 4 Will. IV. c. 23, s. 9, p. 14, except that so much of the city as lies to the northward of St. James' Ward was to form the liberties of that ward.

4. ST. JOHN'S WARD.

16 Vict. c. 81.

An Act to authorize the Governor-General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth and Bruce, and for other purposes therein mentioned.

[10th November, 1852.]

* * * * *

The Governor may divide St. Patrick's Ward in the city of Toronto into two wards.

3. And, whereas, the common council of the city of Toronto by their petition have for two successive years prayed that St. Patrick's Ward in the city may be divided into two wards; Be it therefore enacted that it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the great seal of this Province, dividing the said ward into two wards, and declaring by what names such wards shall thenceforth be known and called, and from and after the first day of January next after the tests of such proclamation, the said wards so to be named and described in such proclamation, shall be considered as separate wards of the said city, in the same manner as if they had been originally mentioned and described as such separate wards in the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and elections shall be held in and for the said wards on the first Monday in

(y) Omit "east."—See 4 Will. IV. c. 23, s. 5, p. 13.

(z) The same as in 4 Will. IV. c. 23, s. 6, p. 13.

January next after the teste of such proclamation, in the same manner as for any other wards in the said city, and the persons whose names shall be entered on the collector's roll for St. Patrick's Ward for the year one thousand eight hundred and fifty-two, residing within each of such wards respectively, at the time of holding the elections therefor, and otherwise qualified by law to vote at municipal elections, shall be allowed to vote at the election to be held in such wards respectively on the said first Monday in January. 16 V. c. 31, s. 3.

PROCLAMATION.

[3rd December, 1852.]

* * * * *

Now know ye that having taken into our Royal consideration the resolution so come to by our said Governor-in-Council and fully approving the same, we do, by this our Royal proclamation, and in exercise of the powers in us vested in this behalf by the said Act (16 Vict. c. 31) or otherwise, howsoever, declare, ordain, proclaim and appoint, that from and after the 1st day of January, following the teste of this, our proclamation, the said St. Patrick's Ward, in the city of Toronto, aforesaid, with the liberties of the said city attached thereto, shall be divided into two wards, to be called respectively St. John's Ward and St. Patrick's Ward, which said wards shall be known and described as follows, that is to say: St. John's Ward to comprise all that part of the said city lying between the westerly boundary line of Yonge street and the middle of the College avenue, and to the north of the northerly boundary line of Queen street. St. Patrick's Ward to comprise all that part of the said city lying to the west of the middle of the College avenue and the north of the boundary line of Queen street. And we do further declare and proclaim and appoint, that so much of the liberties of the said city as lies northward of St. John's Ward shall be and is hereby attached to the said St. John's Ward, and so much thereof as lies northward and westward of St. Patrick's Ward shall be and is hereby attached to the said St. Patrick's Ward.

* * * * *

5 OLD NORTHERN BOUNDARY LINE

19-20 Vict. c. 96

An Act to settle the Northern Boundary Line of
the City of Toronto.

[Assented to 1st July, 1856.]

See ROADS AND STREETS.

6 ST. THOMAS' WARD.

PROCLAMATION.

[17th September, 1873.]

* * * * *

Now know ye that having taken the premises into our Royal consideration, we do by this our Royal proclamation and in exercise of the powers in us vested on this behalf as well by the said in part recited Act (a) as by our Royal prerogative or otherwise howsoever divide the Ward of St. David aforesaid into two wards, and we direct that the centre line of Ontario street be the dividing line, and that all that part of the present Ward of St. David lying and being to the east of the said dividing line be called St. David's Ward, and all that part of the present Ward of St. David lying and being to the west of the said dividing line be called St. Thomas' Ward.

* * * * *

7 ST. STEPHEN'S WARD.

PROCLAMATION.

[17th July, 1875.]

* * * * *

Now know ye that having taken the premises into our Royal consideration, we do by this our Royal proclamation and in exercise of the powers in us vested in this

(a) "An Act respecting Municipal Institutions in the Province of Ontario." 36 V. c. 48 (Ont.)

behalf as well as by the said in part recited Act (b) or otherwise howsoever subdivide the said Ward of St. Patrick in the said city of Toronto as follows, that is to say into two wards, and that the centre of Bathurst street be the dividing line, and that all that part of the ward lying and being to the east of the said dividing line be called St. Patrick's Ward, and all that part lying and being to the west of the said dividing line be called St. Stephen's Ward.

• • • • •

8. ST. PAUL'S WARD (YORKVILLE).

46 Vict. c. 46 (Ont.)

An Act respecting the City of Toronto and the Village of Yorkville, (c) and other matters.

[Assented to 1st February, 1883.]

WHEREAS the corporation of the city of Toronto and the village of Yorkville by their petitions have represented that it is desirable to annex the village of Yorkville to the city of Toronto, and provide for future extension of the limits of the city of Toronto, and whereas it is expedient to grant the prayer of the said petitions ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All that part of the township of York, in the county of York, heretofore comprised within the limits of the village of Yorkville set forth in the proclamation dated at Quebec the twenty-third day of April in the year of our Lord one thousand eight hundred and fifty-two, as follows, that is to say :—Commencing at the south-west angle of lot number twenty-two in the second concession from the Bay in the township of York, thence along the westerly limit of the said lot northerly seventy-two chains twenty-three links, thence on a course parallel to the front of the said concession easterly to Yonge street, thence along the westerly limit of Yonge street southerly to the limit between lots numbers seventeen and eighteen on the

(b) "An Act respecting Municipal Institutions in the Province of Ontario," 36 V. c. 48 (Ont.)

(c) The Village of Yorkville was incorporated on 1st January, 1853 by Proclamation dated 23rd April, 1852 and its boundaries were defined as in this Act.

easterly side of Yonge street produced, thence, across Yonge street to the easterly limit thereof, thence along the limit between lots numbers seventeen and eighteen aforesaid easterly forty-one chains ten links, thence southerly on a course parallel to Yonge street across lots eighteen, nineteen and twenty on the easterly side of Yonge street to the allowance for road between the first and second concession from the Bay, thence along the northerly limit of the allowance for road aforesaid westerly to the place of beginning, is hereby annexed to and shall be henceforth included within the limits of the city of Toronto (which limits are hereby extended so as to include the same), and shall constitute a new ward of the city of Toronto, to be known as the ward of St. Paul, subject to the same provisions of law as if such addition had been made under the Act respecting municipal institutions in the Province of Ontario and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act. 46 V. c. 46, s. 1.

* * * * *

9. ST. MATTHEW'S WARD, (d) AND ST. MARK'S WARD (BROCKTON.)

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

Wards of St.
Matthew and
St. Mark con-
stituted.

2. (1) All that part of the township of York lying east of the river Don, described as follows, that is to say : All that certain piece or parcel of land situate, lying, and being in the county of York, in the Province of Ontario, composed of lots Nos. 10, 11, 12, 13, 14, and all that portion of 15, lying to the east of the river Don, in the first concession from the bay, and which is butted and bounded, and may be more particularly described as follows, that is to say :—Commencing at the intersection of the south limit of the Kingston road, with the easterly side of the river Don ; thence following the windings of the river Don to its intersection with the northerly limit of the allowance for road between the first and second concessions from the Bay ; thence easterly along the said northerly limit of the said allowance for roadway between the first and second concessions from the bay (commonly known as the Don and Danforth road), to its intersection with the easterly

(d) See also 47 Vict. c. 59 (Ont.) p. 45.

limit of the allowance for road between lots nine and ten; thence southerly along the said easterly limit of road between lots nine and ten, produced to its intersection with the south side of the Kingston road; thence westerly along the south limit of the Kingston road to the place of beginning, is hereby annexed to, and shall henceforth be included within the limits of the city of Toronto, and shall form a new ward therein, to be known as the Ward of St. Matthew, subject to the same provisions of law as if such addition had been made under *The Consolidated Municipal Act, 1883*, except in so far as the same are inconsistent with the provisions of this Act.

(2) All that part of the said township of York, described as follows, that is to say:—That portion of the township of York, in the county of York, lying to the west of the city of Toronto, comprising the village of Brockton (e), and all the land situated to the west of the said village of Brockton including High Park, bounded on the north by the allowance for road between the first and second concessions from the bay, otherwise known as Bloor street; and on the west by the westerly limit of lot No. 37, in the first concession from the bay, and which may be more fully described as follows, that is to say:—Commencing at the intersection of the north limit of the road allowance between the first and second concessions from the bay, now known as Bloor street, with the westerly limit of the city of Toronto (west side of Dufferin street), thence westerly along the north limit of the road allowance between the first and second concessions from the bay (Bloor street), to its intersection with the westerly limit of lot No. 37, in the first concession from the bay; thence southerly along said westerly limit of said lot No. 37, from the north limit of the road allowance between the first and second concessions from the bay to its intersection with the north limit of the road belonging to the county of York, lying between the lands belonging to the Great Western Railway Company and the north shore line of

(e) Brockton was made an incorporated village by 44 V. c. 34 Sched. (1881), and its boundaries defined as follows:—Commencing at the intersection of the south-westerly boundary of the right of way of the Grand Trunk Railway with the western limit of Dufferin street, thence northerly along the said westerly limit of Dufferin street six thousand five hundred and eighteen feet, more or less, to the centre line of Bloor street; thence westerly along the said centre line of Bloor street five thousand nine hundred and thirty-one feet, more or less, to the centre line of the Indian road, produced; thence southerly along the said centre line of the Indian road four thousand and thirty-three feet, more or less, to the intersection of the northerly limit of the village of Parkdale produced westerly to the said centre line of the Indian road; thence easterly along the said produced limit of the village of Parkdale, and along the said limit thereof to the south-westerly limit of the right of way of the Grand Trunk Railway, in all, a distance of three thousand six hundred and ninety-three feet, more or less; thence south-easterly along the said south-easterly limit of said right of way of the Grand Trunk Railway three thousand four hundred and seventy feet, more or less, to the place of beginning.

Lake Ontario, and known as the Lake Shore road; thence easterly along the division line between lots numbers thirty-five and thirty-six, in the first concession from the bay; thence northerly along said division line to a point at which the northerly boundary of Parkdale, if projected westward, would intersect said division line; thence easterly, and along said projected line, to the north-westerly angle of Parkdale; thence easterly along said northerly limit to its intersection with the easterly limit of the village of Parkdale; thence following the said easterly limit in a south-easterly direction to its intersection with the west side of Dufferin street; thence northerly along said westerly limit of Dufferin street, produced, to the place of beginning—is hereby annexed to and shall henceforth be included within the limits of the city of Toronto, and shall constitute a new ward of the said city of Toronto, to be known as the Ward of St. Mark, subject to the same provisions of law as if such addition had been made under *The Consolidated Municipal Act, 1883*, except in so far as the same are inconsistent with the provisions of this Act. 47 V. c. 59, s. 2.

* * * * *

10. NEW DIVISION OF ST. STEPHEN'S AND ST. MARK'S WARD.

PROCLAMATION.

[22nd June, 1886.]

* * * * *

Now know ye that we do by this our Royal proclamation and in the exercise of the powers in us vested in this behalf as well as by the said in part recited Act (f) or otherwise howsoever redivide the said wards of St. Stephen and St. Mark, and we do hereby direct that the boundaries of the said wards shall be as follows:—

St. Stephen's Ward to comprise all that portion of the said city bounded as follows:—On the east by the centre line of Bathurst street; on the north by the north limit of Bloor street; on the west by the centre line of Dovercourt road; and on the south by the centre line of Queen street.

St. Mark's Ward to comprise all that portion of the said city bounded as follows:—Commencing at the intersection of the centre line of Queen street with the centre line of Dovercourt road produced southerly; thence northerly along the said produced centre line and along the centre line of

(f) The Consolidated Municipal Act 1883 (46 V. c. 18 (Ont.))

Dovercourt road and the production thereof northerly to the north limit of Bloor street; thence westerly along the north limit of Bloor street to its intersection with the west limit of lot No. 37 in the 1st concession from the Bay produced northerly; thence southerly along said produced line and along said westerly limit of lot No. 37 to its intersection with the north limit of the road belonging to the county of York, known as the Lake Shore road; thence easterly along the north limit of the said Lake Shore road to the division line between lots Nos. 35 and 36 in the 1st concession from the Bay; thence northerly along said division line to a point at which the northerly boundary of the town of Parkdale, if projected westward, would intersect said division line; thence easterly and along said projected line to the north-westerly angle of the said town of Parkdale; thence easterly along said northerly limit to its intersection with the easterly limit of the said town of Parkdale; thence following the said easterly limit in a south-easterly direction to its intersection with the west side of Dufferin street, in the said city of Toronto; thence southerly along the westerly limit of Dufferin street to the centre line of Queen street; thence easterly along the centre line of Queen street to the place of beginning.

And we direct that the said re-division shall take effect on and from the first Monday of January, now next [1886].

* * * * *

ST. MARK'S

June, 1886.]

11. ADDITIONS TO THE WARDS OF ST. LAWRENCE, ST. PAUL, ST. STEPHEN AND ST. MARK.

PROCLAMATION.

[22nd September, 1886.]

* * * * *

Now know ye, that we having taken the premises into our Royal consideration, we do by this our Royal Proclamation, and in exercise of the powers in us vested in this behalf as well as by the said in part recited Act (g) or otherwise howsoever, add to the said city of Toronto, all and singular the lands following, that is to say:—

1. That portion of the said township of York comprised within the following limits namely, commencing at the south side of Queen street in the said city of Toronto, where the same is intersected by the east limit of Greenwood's side line (the present east limit of the Ward of

(g) The Consolidated Municipal Act, 1883. (46 V. c. 18 (Ont.))

(Ont.)

St. Matthew, in the said city), produced southerly; thence northerly along the said produced limit across Queen street and along the east limit of Greenwood's side line a distance of 200 feet north of the north limit of Queen street; thence easterly parallel to Queen street to a point opposite the easterly limit of the Ward of St. Lawrence, produced northerly to intersect the same; thence southerly to the north-east corner of the said Ward of St. Lawrence, as the same exists at present; thence westerly along the southerly limit of Queen street to the place of beginning, and we do attach the said portion of the township of York to the said Ward of St. Lawrence.

2. *Firstly*, That portion of the said township of York, namely:—Commencing at a point in the northerly limit of Bloor street, where it is intersected by the present easterly limit of the said city of Toronto (nearly opposite the centre of Sherbourne street); thence northerly along east limit of the said city to a point on the top of hill on lot number 52 on registered plan No. 104, distant 250 feet measured northerly along said limit from the northerly limit of North Drive; thence due east 815 feet to a point in the east limit of May street 460 feet northerly from the northerly limit of Hill street; thence south 60 degrees east 433 feet to the south-west corner of "North Iron Bridge" on Glen road; thence south 75 degrees east 1205 feet to the intersection of the line between lots numbers 76 and 75 on registered plan number 626 at a point 200 feet easterly from Nanton Crescent, measured along said line; thence south 48 degrees east 405 feet more or less to the intersection of the production of the west limit of Castle Frank road; thence south 15 degrees and 30 minutes east along last mentioned production 95 feet more or less to the northerly limit of Castle Frank road; thence south 48 degrees and 15 minutes east along said northerly limit of Castle Frank road 79 feet and 2 inches to an angle in said road; thence south 15 degrees and 30 minutes east along the easterly limit of said road 303 feet and 6 inches to an angle; thence south 7 degrees and 30 minutes east still along the easterly limit of road 291 feet and 7 inches to an angle; thence south 12 degrees east still along the said limit of road 102 feet and 3 inches still to an angle; thence south 21 degrees and 22 minutes east still along said limit of road 86 feet and 6 inches more or less to the present north limit of the said city of Toronto (centre of Bloor street); thence westerly along last mentioned limit to the easterly limit of Sherbourne street; thence northerly along last mentioned limit 33 feet to the northerly limit of Bloor street; thence westerly along last mentioned limit to the point of commencement. *Secondly*, That portion of the said township of York comprised within the following limits, namely:—Commencing at south-west angle of the Ward of St. Paul in the said city of Toronto; thence westerly along the northerly limit of

*Trunks
Crown*

Bloor street to the township line between township lots numbers 24 and 25 in the 2nd concession from the Bay; thence north following the aforesaid township line, to the southerly limit of the land belonging to the Ontario and Quebec Railway Company; thence easterly along said southerly limit of the property of the aforesaid railway company to the westerly limit of the Ward of St. Paul; thence southerly following the westerly limit of the Ward of St. Paul to the place of beginning. And we do attach the said portions of the said township of York to the said Ward of St. Paul.

And we direct that the said additions of territory to the said city of Toronto and to the said wards thereof, shall take effect on and from the first Monday of January now next [1887].

* * * * *

PROCLAMATION.

[24th September, 1887.]

* * * * *

Now know ye, that having taken the premises into our Royal consideration, we do by this our Royal proclamation, and in the exercise of the power in us vested in this behalf as well as by the said in part recited Act (*h*) or otherwise, howsoever, add to the said city of Toronto, all and singular the lands following, that is to say:

(1) That certain parcel or tract of land and premises being composed of parts of lots numbers 17 and 21 in the 2nd concession from the bay, in the said township of York, and which may be more particularly known and described as follows:—Commencing on the west limit of Yonge street at the intersection of the production westerly of the limit between lots numbers 17 and 18 on the east side of Yonge street; thence easterly across Yonge street along said production to the east limit of Yonge street; thence still easterly along said limit between said lots numbers 17 and 18, fifteen hundred feet; thence north 16 degrees west parallel with Yonge street aforesaid 580 feet more or less to the intersection of the centre line of that part of Thompson avenue which forms the north-easterly boundary of lot number 25, according to registered plan No. 277, township of York; thence north-westerly along said centre line 400 feet to an angle in the same; thence south 74 degrees west still along the centre line of Thompson avenue aforesaid 1020 to the intersection of the

WALKER
&
WOODLAWN
AVENUE

(A) The Consolidated Municipal Act, 1883. (46 V. c. 18 (Ont.))

production southerly of the westerly limit of lot number 18 on the north limit of Thompson avenue, aforesaid, according to said plan number 277; thence northerly along said production and limit of lot 415 feet more or less to the division line between township lots numbers 16 and 17; thence south 74 degrees west along said limit 152, to the east limit of Yonge street aforesaid; thence westerly across Yonge street to the intersection of the northerly limit of registered plan number 669; thence westerly along said north limit 1332 feet to the division line between township lots numbers 21 and 22; thence southerly along said division line to the intersection of the present north limit of the said city of Toronto (formerly the north limit of the village of Yorkville); thence easterly along said limit to the west limit of Yonge street aforesaid; thence southerly along the west limit of Yonge street to the place of beginning; and we do attach the said portion of the said township to the Ward of St. Paul, in the said city of Toronto.

POPULAR
PLAINS
ROAD

(2) That certain parcel or tract of land composed of part of township lot number 23 in the 2nd concession from the bay in the said township of York, and which may be more particularly known and described as follows, that is to say:—Commencing at a point in the division line between township lots numbers 22 and 23 at the intersection of the southerly limit of the right of way of the Ontario and Quebec Railway Company; thence northerly along the said division line to the intersection of the centre line of Rathnelly Crescent; thence south-westerly along said centre line to the intersection of the east limit of the Poplar Plains road; thence southerly and south-westerly along said east limit to the intersection of the southerly limit of the right of way of the said The Ontario and Quebec Railway Company; thence easterly along said limit to the place of beginning; and we do attach the said portion of the said township to the said Ward of St. Paul.

NORTH OF
BLOOR STREET
WEST OF
BATHURST

(3) That certain parcel or tract of land composed of part of township lot number 25, in the 2nd concession from the bay, in the said township of York, and which may be more particularly known and described as follows, that is to say:—Commencing on the north limit of Bloor street, at the south-east angle of lot number 25, aforesaid; thence westerly along the said north limit of Bloor street to the intersection of the centre line of Bathurst street, in the said city of Toronto; thence northerly along said centre line of Bathurst street to the intersection of the southerly limit of the right of way of the said The Ontario and Quebec Railway Company; thence easterly along said southerly limit to the division line between township lots numbers 24 and 25; thence southerly along said division

line to the place of beginning; and we do attach the said portion of the said township to the said Ward of St. Paul.

(4) All and singular that certain parcel or tract of land composed of parts of township lots numbers 26, 27, 28 and 29, in the 2nd concession from the Bay, in the said township of York, which may be more particularly known and described as follows, that is to say:—Commencing on the north limit of Bloor street, aforesaid, at the intersection of the centre line of Bathurst street, aforesaid; thence westerly along said north limit to the intersection of the centre line of Dovercourt road; thence northerly along said centre line to the intersection of the south limit of the right of way of the said The Ontario and Quebec Railway Company; thence easterly along the said southerly limit to the intersection of the centre line of Bathurst street; thence southerly along the said centre line to the place of beginning; and we do attach the said portion of the said township to the Ward of St. Stephen, in the said city of Toronto.

DOVERCOURT
AREA

(5) All and singular that certain parcel or tract of land, composed of parts of township lots numbers 29, 30, 31, 32, 33 and 34, in the 2nd concession from the Bay, in the said township of York, which may be more particularly known and described as follows, that is to say:—Commencing on the north limit of Bloor street at the intersection of the centre line of Dovercourt road aforesaid; thence northerly along said centre line to the intersection of the south limit of the right of way of the said The Ontario and Quebec Railway Company; thence westerly along said limit to the intersection of the westerly limit of the right of way of the Grand Trunk Railway Company, being part of the easterly limit of the village of West Toronto Junction; thence southerly along said limit to the intersection of the production easterly of Humberside avenue, being part of the southerly boundary of the said village of West Toronto Junction; thence westerly along said limit to the intersection of the division line between township lots numbers 34 and 35; thence southerly along said division line to the north limit of Bloor street aforesaid; thence easterly along said limit to the place of beginning, and we do attach the said portion of the said township to the Ward of St. Mark in the said city of Toronto.

INTRODUCTION
OF ESSAY

(6) All and singular, that certain parcel or tract of land and premises in the said township of York, which may be more particularly known and described as follows, that is to say:—Commencing on the north limit of Queen street west, at the intersection of the west limit of the town of Parkdale, thence westerly along the north limit of Queen street west aforesaid, and of the Lake Shore road to the easterly limit of lot number 36, in the said township of York, in the first and broken front concession; thence

SUNNYSIDE

northerly along said east limit to the south limit of St. Mark's Ward, in the said city of Toronto; thence easterly along said limit to the north-westerly angle of the said town of Parkdale; thence southerly along the west limit of the said town to the place of beginning; and we do attach the said portion of the said township to the said Ward of St. Mark.

And we direct that the said additions of territory to the said city of Toronto, and to the said Wards thereof shall take effect on and from the first Monday of January, now next [1888].

12. ST. ALBAN'S WARD (PARKDALE).

PROCLAMATION.

[29th September, 1885.]

* * * * *

And whereas our said Lieutenant-Governor in Council has deemed it expedient to erect the said village [of Parkdale] (i) into a town, and to add thereto so much of the adjoining territory in the township of York as is necessary to bring the Parkdale Waterworks, within the new town,

Now know ye, that we do by this our Royal proclamation, and in exercise of the powers in us vested in this behalf as well as by the said in part recited Act, (j) or other-

(i) Parkdale was erected into a village by by-law of the county of York, passed 28th June, 1878, and was described as follows:—Commencing at a point on the western limit of the street, forming the western limit of the city of Toronto, and at the northerly shore line of lake Ontario at a point marked A on a plan annexed to said petition; thence in a northerly direction along the said limit, sixty-eight chains, more or less, to the south-west fence of the Grand Trunk Railway, marked B on the said plan; thence along the said fence in a north-west direction, forty-eight chains, more or less, to a point on plan marked C; thence in a westerly direction, forty-three chains, more or less, to the western limits of a street known by the name of Roncesvalles avenue, at the point marked D on said plan; thence in a southerly direction following the western limits of the said Roncesvalles avenue, forty chains twenty links, more or less, to the southern limit of the Lake Shore road, to a point marked E on said plan; thence in a westerly direction following the south side of the said Lake Shore road, seven chains thirty links, more or less, to the line between lots 34 and 35, of said township at a point marked F on said plan. Thence in a southerly direction along said line between said lots 34 and 35, two chains eighty links, more or less, to the waters edge of Lake Ontario, to a point marked G, on said plan. Thence following said water's edge, one hundred and six chains, more or less, to the place of beginning, containing four hundred and eighty-three acres, be the same more or less.

(j) The Consolidated Municipal Act, 1883. (46 V. c. 18 (Ont.))

wise, howsoever, proclaim and appoint, that the said village of Parkdale be, and the same is from and after the first Monday in the month of January, now next erected into a town by the name of the town of Parkdale, and that the limits and boundaries of the said town shall be as follows, that is to say:—Commencing at a point in the westerly limit of Dufferin street, where the same is intersected by the northerly shore line of Lake Ontario; thence in an north-westerly direction along the said north shore line of Lake Ontario to the easterly limit of the Parkdale Water-works lot; thence southerly along the said easterly limit of the Water-works lot to its south boundary; thence westerly along the said south boundary of the Water-works lot to its western boundary; thence northerly along the said western boundary of the Water-works lot to the southern limit of the Lake Shore road (or Queen street); thence easterly following the south limit of Queen street aforesaid to its intersection with the westerly limit of Roncesvalles avenue, produced; thence northerly, following the west limit of Roncesvalles avenue, aforesaid, to the south limit of St. Mark's Ward, in the city of Toronto; thence easterly along the said southerly limit of St. Marks Ward, aforesaid, to the south-westerly limit of the Grand Trunk Railway; thence south-easterly along the last mentioned limit to the westerly limit of Dufferin street, aforesaid; thence southerly along the said westerly limit of Dufferin street, to the place of beginning, being composed of parts of township lots numbers 31, 32, 33, 34 and 35, in the first concession from the bay, and that part of the broken front to the south of the said lots, containing by admeasurement 542 acres, be the same more or less.

And we further proclaim and appoint, that the said town of Parkdale be, and the same is from and after the said first Monday in the month of January, now next, hereby divided into four Wards, to be called respectively, St. Vincent's Ward, St. Martin's Ward, St. Mark's Ward and St. Alban's Ward, to be constituted as follows, that is to say:—

St. Vincent's Ward to comprise all that part of the said town lying and being north of the centre line of Queen street, and east of a line drawn from the centre line of Queen street, aforesaid, through the centre of West Lodge avenue south, and produced in a direct line northerly to the northerly limit of the said town.

St. Martin's Ward to comprise all that part of the said town lying and being north of the centre line of Queen street, aforesaid, and west of the western boundary of St. Vincent's Ward.

St. Mark's Ward to comprise all that part of the said town lying and being within the following boundaries, that is to say: the centre line of Queen street, aforesaid, on the

north, the centre line of Cowan avenue, on the west, the centre line of King street, on the south, and the eastern boundary of the said town on the east.

St. Alban's Ward to comprise all that part of the said town lying and being south of the south line of Queen street, aforesaid, between the western boundary line of the said town and the west side of Roncesvalles avenue, produced; thence all lying south of the centre line of Queen street, aforesaid, from Roncesvalles avenue, aforesaid, to the centre line of Cowan avenue; thence south to the centre line of King street; then east to the easterly boundary of the said town; thence south to Lake Ontario.

* * * * *

PROCLAMATION.

29th September, 1888.

Whereas it has been made to appear to the Lieutenant-Governor of our Province of Ontario in Council, that two-thirds of the members of the municipal council of the town of Parkdale, in the county of York, did, in Council, before the 15th day of July, 1888, and in pursuance of the Municipal Act, pass a resolution affirming the desirability of adding to the limits of the said town, that certain portion of the adjoining township of York, comprising the water lots in front of the said town. And whereas the said municipal council has prayed, that a proclamation be issued to give effect to the said resolution. And whereas our Lieutenant-Governor in Council considers it desirable to grant the prayer of the said application. Now know ye, that having taken the premises into our Royal consideration, we by and with the advice of our Executive Council of our said Province of Ontario, and in exercise of the power in us vested in this behalf by the said in part recited Act (k) or otherwise, howsoever, do by this our Royal proclamation, hereby add to the limits of the said town of Parkdale all and singular that certain parcel or tract of land in the said township of York, covered by water and lying in front of the said town of Parkdale and extending from the west limit of Dufferin street, in the city of Toronto, produced to the west limit of the water lot granted to the said corporation of the town of Parkdale, by one J. G. Howard, Esquire (by deed, bearing date the 30th day of June, A.D. 1883, and registered in the registry office for the county of York, on the 18th day of July, 1883) and lying between the present south boundary of

(k) The Municipal Act, R. S. O. 1887, c. 184.

the said town of Parkdale and the south limit of the water lots heretofore granted by us in front of the said town and we do attach the said portion of the said township of York to the Ward of St. Albans, in the said town of Parkdale.

And we direct that the said addition of territory to the said town of Parkdale and to the said ward thereof shall take effect on and from the first Monday in the month of January, now next [1889].

* * * * *

52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

12.—(1) From and after the passing of this Act, the town of Parkdale shall be annexed to the city of Toronto upon the terms set out in by-law No. 527 of the said town of Parkdale, save as herein otherwise provided, and shall, from and after the said date, cease to be a separate municipality and become a ward of the city of Toronto under the name of St. Alban's Ward, and shall be entitled to be represented in the council of the city of Toronto by three aldermen, and on the public school board of said city by two school trustees. 52 V. c. 73, s. 12 (1).

Town of Parkdale to form St. Alban's Ward.

* * * * *

13. NEW DIVISION OF CITY INTO WARDS.

54 Vict. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

* * * * *

9. Upon and from the date of the next municipal elections, and for the purposes thereof, the present division of the city of Toronto into wards shall be abolished, and the Municipal Council of the said city shall thereafter con-

Division of the city into six wards.

sist of the mayor, to be chosen annually as at present, and twenty-four aldermen, four of whom shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the six wards into which the city shall be in the meantime divided under the provisions of *The Municipal Act*, (l) and which shall run from the water front to the northern city limit, and the said aldermen shall hold office for a term of one year. 54 V. c. 82, s. 9.

* * * * *

55 Vict. c. 42 (Ont.)

An Act to consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

New division
of wards in
cities and
towns.

Extension of
city or town.

Re-division of
wards in
cities and
towns.

22.—(1) In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto, on such terms and conditions, as to taxation or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to.

(2) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least five hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the

(l) R. S. O. (1887) c. 184, s. 22, as amended by 53 V. c. 50, s. 1 (Ont.) See 55 V. c. 42, s. 22 (Ont.) *infra*.

number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favour of the petition, it shall be the duty of the council to, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of this section.

(3) In case any council neglects or refuses to make a Commission new sub-division of any city into wards under the provisions of the last preceding sub-section for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner aforesaid, the Lieutenant-Governor in Council may issue a commission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the city council, and the commissioners, or a majority of them, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases. Should the city council within two weeks after notice fail to name a commissioner, the Lieutenant-Governor shall name two commissioners.

(4) The commissioners so to be appointed as aforesaid, or a majority of them shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf.

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the com- Lieutenant-Governor

Commission
enquiry as to
wards.

Commission-
ers to prepare
a scheme of
division.

may make
division by
proclamation.

missioners by proclamation, divide the city into wards, and the Lieutenant-Governor in Council shall have the like powers as are by this Act conferred upon him when application is made to divide a city into wards under this Act.

Expenses of
commission.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

Further divi-
sion not to be
made for five
years.

(7) In case of a new division being made as aforesaid, another division shall not be made for five years thereafter. 53 V. c. 50, s. 1.

* * * * *

ORDER IN COUNCIL. (m)

[18th September, 1891.]

* * * * *

The undersigned begs respectfully to recommend that an order in council be passed directing the issue of proclamation dividing the city of Toronto into six wards to be called and known as Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4, Ward No. 5, and Ward No. 6 the said wards to be bounded as follows that is to say :

WARD No. 1—To comprise all that portion of the said city of Toronto lying to the eastward of the following described line, that is to say : Being the centre line of Cherry street, produced southerly to the waters of the Bay ; thence northerly along said production and along the centre line of Cherry street aforesaid to the centre line of Eastern avenue ; thence south-easterly along the centre line of Eastern avenue aforesaid to the centre line of Sumach street ; thence northerly along the centre line of Sumach street aforesaid to the centre line of Wellesley street ; thence easterly along the centre line of Wellesley street aforesaid to the centre line of Parkview avenue ; thence northerly along the centre line of Parkview avenue and production thereof to the north city limit, and including all the marsh lands and islands south of the above described point.

WARD No. 2—To comprise all that portion of the said city of Toronto lying to the westward of the west limit of Ward No. 1 aforesaid, and to the eastward of the following described line, that is to say : Being the centre line of Jarvis street, produced southerly to the Bay ; thence

(m) Adopted by the City Council, 26th May, 1891.

northerly along said production and along the centre line of Jarvis street aforesaid to the centre line of Bloor street; thence westerly along the centre line of Bloor street aforesaid to the centre line of Yonge street; thence northerly along the centre line of Yonge street aforesaid to the north city limit.

WARD No. 3.—To comprise all that portion of the said city of Toronto lying to the westward of the west limit of Ward No. 2 aforesaid, and to the eastward of the following described line, that is to say: Being the centre line of Simcoe street, produced southerly to the waters of the Bay; thence northerly along said production and along the centre line of Simcoe street aforesaid to the centre line of Queen street; thence easterly along the centre line of Queen street aforesaid to the centre line of College avenue; thence northerly along the centre line of College avenue aforesaid and production thereof to the centre line of Avenue road; thence northerly along the centre line of Avenue road aforesaid to the north city limit.

WARD No. 4.—To comprise all that portion of the said city of Toronto lying to the westward of the west limit of Ward No. 3 aforesaid, and to the eastward of the following described line, that is to say: Being the centre line of Bathurst street, produced southerly to the waters of the Bay; thence northerly along said production and along centre line of Bathurst street aforesaid to the north city limit; together with the Island lying in front of said city; the Parliament Buildings, Queen's Park, to be also included in Ward No. 4.

WARD No. 5.—To comprise all that portion of the said city of Toronto lying to the westward of the west limit of Ward No. 4, and to the eastward of the following described line, that is to say: Being the centre line of Atlantic avenue, produced southerly to the waters of Lake Ontario; thence northerly along said production and along the centre line of Atlantic avenue aforesaid to the centre line of Dovercourt road; thence northerly along the centre line of Dovercourt road aforesaid to the north city limit.

WARD No. 6.—To comprise all that portion of the said city of Toronto lying to the westward of the west limit of Ward No. 5 aforesaid.

* * * * *

14. ADDITION TO WARD NO. 6.

56 Vlot. c. 85 (Ont.)

An Act respecting the City of Toronto.

[Assented to 27th May, 1893.]

* * * * *

Agreement
with county
of York con-
firmed.

3. The agreement between the corporation of the county of York and the city of Toronto, and dated the third day of February, 1893, a copy of which is set out in schedule "A" hereto, is hereby declared to be valid and legal and to be binding on both the said corporations, and the parties to the said agreement are hereby declared to have and to have had at the date thereof power to do all acts necessary to carry the same into effect. 56 V. c. 85, s. 3.

Certain lands
annexed to
city of
Toronto.

4. All and singular those parts of the townships of York and Etobicoke described as follows:—Commencing at the intersection of the westerly limit of Roncesvalles avenue with the northerly limit of Queen street west (Lake Shore road) thence westerly along said northerly limit of said street and the northerly limit of the Lake Shore road, as defined by the Act passed in the 52nd year of Her Majesty's reign, chaptered 77, to the "west end" of the Lake Shore road, as described in an Order in Council of the late province of Canada, dated April 4th, 1865; thence southerly across said west end to the southerly limit of the Lake Shore road; thence easterly along said southerly limit to the production northerly of the westerly limit of the water lot granted to Mary E. Spry; thence southerly along said production and along said limit to the south-west angle of said water lot; thence easterly along the southerly limit of the water lots in front of lots 40, 39, 38, 37, 36 and part of lot 35 in the township of York to the south-west angle of the water lot heretofore deeded by J. G. Howard to the town of Parkdale, and being at this point the westerly limit of the city of Toronto; thence northerly along said limit of said water lot to the water's edge of Lake Ontario; thence easterly along said water's edge to the line between lots 34 and 35 in the said township of York; thence northerly along said line to the southerly limit of the Lake Shore road; thence south-easterly and easterly along the southerly limit of said Lake Shore road and along the southerly limit of Queen street west to its intersection with the southerly production of the westerly limit of Roncesvalles avenue; thence northerly along said production to the place of beginning, are hereby annexed to the city of Toronto and added to ward No. 6 thereof. 56 V. c. 85, s. 4.

5. All the property hereby annexed now exempt from taxation under any township by-law shall remain exempt to the same extent and for the same period as if the said lands had not been annexed to the said city. 56 V. c. 85, s. 5. Exemptions from taxation not affected.

* * * * *

SCHEDULE "A."

(Section 3.)

THIS INDENTURE, made in duplicate the 3rd day of February, one thousand eight hundred and ninety-three, between the corporation of the county of York, hereinafter called "the county," of the first part, and the corporation of the city of Toronto, hereinafter called "the city," of the second part.

Whereas the county is the owner of a certain toll road running from Dufferin street, in the city of Toronto, westerly to a line drawn across the said road at right angles to the northern limit thereof at the distance of six chains west of the west side of the Humber river;

And whereas it has been agreed between the parties hereto that the county should, in consideration of the covenants hereinafter contained on the part of the city to be performed, transfer the said Lake Shore road to the city.

And whereas the city has agreed to take over and maintain as hereinafter set forth the said Lake Shore road as defined in chapter 77 of 52nd Victoria of the Statutes of Ontario, including all culverts and bridges upon the line of the said road, and should pay the sum of \$750, to the county towards meeting such expenses as have been incurred by the county in connection with litigation involving the title to the said Lake Shore road as is defined by said statute.

Now therefore this indenture witnesseth that in consideration of the premises and of the covenants and conditions hereinafter set forth by the city to be observed, performed and fulfilled, and upon the conditions herein set forth, the said corporation of the county of York, for themselves and their successors, do hereby grant and convey unto the said corporation of the city of Toronto, their successors and assigns, the said Lake Shore road described in the Order in Council dated the fourth day of April, 1863, transferring the said Lake Shore road to the corporation of the united counties of York and Peel, and being more particularly described as to part thereof by chapter 77 of the Statutes of the Province of Ontario, passed in the 52nd year of Her Majesty's reign, to have and to hold unto the

said corporation of the city of Toronto and their successors and assigns, upon and subject to the following terms and conditions, and subject to the right of the county to maintain the toll gate now situated on said road until the 30th day of June, 1893.

(1) That the city, their successors and assigns, shall, after the 30th day of June, 1893, keep the said road as defined by the said Act, and all bridges thereon, at all times thereafter, in thorough repair in accordance with the terms and conditions more fully set forth in the said Order in Council.

(2) That the city, its successors and assigns, shall not maintain a toll gate or gates upon the said road, nor collect tolls or fees from any person or persons for passing over the said road or any portion thereof, or any bridges thereon, but the county shall remove any and all toll gate or gates upon the said road on or before the 1st day of July, 1893, and remove the gate-keeper or keepers thereof without any expense to the city.

(3) That the said road and bridges thereon shall at all times continue to be public highways.

(4) In the arbitration pending between the city and county the said Lake Shore road is not to be considered an asset of the county to which the city will claim or pretend to claim any share.

2. And it is further agreed by and between the parties hereto as follows:—

(1) That the city shall pay to the county the sum of \$750 within one month after this agreement is confirmed by legislation as hereinafter provided, in full of all costs and expenses already incurred in connection with or arising out of actions now pending of the county of York, against Ardagh and Leonard, Ardagh and Leonard against the county of York, Wilma Chapman against the county of York, and the county of York against the Sunnyside Boating Company of Toronto (Limited), or any other action or actions which may be brought in connection with the said Lake Shore road before the execution of this agreement; and the county will indemnify and save harmless the city from all costs incurred or to be incurred in said actions, if continued by the county, beyond the said sum of \$750, but the city is to be at liberty to continue any or all of such actions at the expense of the said city after the execution of this agreement, if the said city so elects and decides; and in case of deciding to continue any one or more of such actions after the execution hereof, then the costs thereafter incurred shall be payable by or to the city as may be determined in such action or actions; but the county shall be free therefrom, and the city shall indemnify the county from all liability for costs incurred after the execution hereof; and that the city will pay such amount as may be awarded by way of

damages, payable to the plaintiff by any award made in pursuance of any order in the said suit of Wilma Chapman v. The Corporation of the County of York.

(2) That the city will, upon the 31st day of December, 1894, or on such sooner date as may be mutually agreed upon, abolish the imposition and collection of all market fees which the said city is now entitled to collect in the city of Toronto, except from the cattle market as now established, or as it may at any time heretofore be established in the said city, if the county of York will, upon the same day, abolish the collection of all tolls upon all roads belonging to the county, within the county of York. Provided, however, that if the said county do not abolish such tolls on or before the said 31st day of December, 1894, this agreement to abolish market fees shall at once cease and be of no further force or effect.

(3) That the county will not oppose any action or legislation whereby all those parts of the townships of York and Etobicoke bounded on the south by the south limit of the water lots in front of the said road, and on the north by a line drawn parallel with the north side of the Grand Trunk Railway, distant one thousand feet measured northerly from and at right angles thereto, and extending from the west city limit at High Park to the westerly end of the said road, may be annexed to the said city of Toronto.

(4) That the said county shall keep said road in thorough repair within the meaning of the said order in council until the said thirtieth day of June, 1893.

(5) That either or both parties to this agreement shall apply to the next session of the legislature of the province of Ontario to validate and confirm this agreement, and the other party thereto will consent to such legislation.

3. And the corporation of the city of Toronto, for themselves, their successors and assigns, covenant and agree with the corporation of the county of York, their successors and assigns; that they, the said corporation of the city of Toronto, will fully and in every respect obey, fulfil and perform the said conditions.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed.

Signed, sealed and delivered
in the presence of
GEO. S. MCFARLEN,
As to signatures of A. S. Russell
and Geo. Eakin.

A. S. RUSSELL,
Warden. [L. s.]
GEO. EAKIN,
Clerk.
ROBERT J. FLEMING,
Mayor,
R. T. COADY, [L. s.]
Treasurer.

56 V. c. 85, Sched. A.

* * * * *

BOWES PROPERTY.

86 Vlot. c. 64 (Ont.)

An Act to enable the Corporation of the City of Toronto to dispose of certain lands known as the Bowes Property.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the lands hereinafter described, were on the twenty-eighth day of October, one thousand eight hundred and fifty-nine, conveyed by the late John George Bowes to the corporation of the city of Toronto, and their successors forever, and were accepted by the said corporation in trust for, and dedicated and appropriated to the use of the inhabitants of the said city as a public square; and the said corporation have by their petition represented that the dedication aforesaid was voluntarily made for the sole purpose of enabling them to accept the said conveyance, and without any petition for the same from the inhabitants of the said city or any of them; and that the said lands are situated near to the University or Queen's Park, which is sufficient for the requirements of that portion of the said city; and that negotiations are now pending for the purchase of a large portion of the said park by the corporation aforesaid; and the said lands consist of a block in the city of Toronto described as follows:—Commencing at the south-east angle of Spadina avenue and Cecil street; thence easterly along the south side of Cecil street four hundred and fourteen feet, more or less, to the western limit of Huron street; thence southerly along the said limit one hundred and ninety-four feet eight inches; thence westerly, parallel to the south side of Cecil street, four hundred and fourteen feet, more or less, to the eastern limit of Spadina avenue; thence northerly along the said eastern limit, one hundred and ninety-four feet eight inches more or less, to the place of beginning; also, commencing at the south-east angle of Cecil and Huron streets; thence easterly along the south side of Cecil street, two hundred and fourteen feet six inches; thence southerly, parallel to the east side of Huron street, three hundred and eighty-four feet, more or less, to Baldwin street; thence westerly along the north side of Baldwin street to the eastern limit of Huron street; thence northerly along the said eastern limit three hundred and eighty-four feet, more or less, to the place of beginning:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Notwithstanding anything in the said conveyance contained, the said corporation shall have the same power to sell, lease, convey and dispose of and contract in regard to the said lands and every part thereof as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute and to confirm and carry out any contract heretofore made for the sale of any portion of the said lands, or to cancel and absolutely annul the same upon tendering back to the vendee the amount of his deposit, with interest. 36 V. c. 64, s. 1.

2. Every disposition of or contract in regard to the said lands, or any part thereof, which is required by law to be in writing, shall be under the seal of the said corporation, and signed by the mayor and chamberlain thereof for the time being. 36 V. c. 64, s. 2.

3. The proceeds of any and every disposition of the said lands, or any part thereof, by the said corporation, shall be held and applied by them to the general purposes of the said corporation. 36 V. c. 64, s. 3.

BROCKTON.

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DEBENTURE BY-LAWS.

47 Vict. c. 47 (Ont.)

An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the village of Brockton have, by petition set forth that they have incurred debts for works or improvements (including drainage) done or constructed as local improvements under the provisions of *The Municipal Act*, without sufficient or valid by-laws having been passed authorizing such works or improvements or providing for the borrowing of the money or for making assessments for such works or improvements, and that they are desirous of being authorized to cause an

assessment to be made and to pass by-laws to provide funds for the payment of the debts so incurred for said works or improvements; and it is deemed expedient to grant the prayer of the said petition; and whereas said petition further sets forth that doubts have been raised as to the validity of certain debentures issued by the said municipality for school purposes, and as to the power of the said municipality to issue valid debentures for school purposes, and it is deemed expedient to remove said doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws and
debentures.
confirmed.

1. The by-laws of the said village of Brockton, set forth in schedule A to this Act, the numbers whereof are set out in the third column of the said schedule, being by-laws for the construction of local works or improvements and for general purposes, and the respective debentures issued thereunder, as set out in the first column of the said schedule, with the coupons to the said debentures attached, are hereby declared to be valid and binding upon the said corporation notwithstanding any defect whatever in the said by-laws or debentures or in any way connected therewith. 47 V. c. 47, s. 1.

* * * * *

SCHEDULE A.—(See sec. 1.)

Shewing Local Improvements and General By-Laws and Debentures validated by this Act.

LOCAL IMPROVEMENT BY-LAWS AND DEBENTURES.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
				\$ c.
1	31st December, 1881.	No. 20	Construction of sidewalk on north side of Florence street.	79 50
7	1st April, 1882.	No. 32	Construction of sidewalk and boulevard on north side of Bank street.	127 00
6	1st April, 1882.	No. 37	Construction of sidewalk on south side Dundas street.	210 00
8	1st October, 1882.	No. 44	Construction of sidewalk and crossing on south side of Gordon street.	139 00
9	1st October, 1882.	No. 45	Construction of sidewalk on south side of Florence street.	35 00
10	1st November, 1882.	No. 46	Grading, fencing and constructing sidewalk upon Jamieson avenue.	1000 00
11	1st November, 1882.	No. 46	do.	1000 00
12	1st November, 1882.	No. 46	do.	880 00
13	1st November, 1882.	No. 47	Culverts and grading on St. Helen's avenue.	640 00
	Debentures not yet issued.	No. 65	Construction of sidewalk on north side of Dundas street.	
	do.	No. 70	do.	

GENERAL BY-LAWS AND DEBENTURES.

No.	Date of Issue.	By-law.	Nature of By-Law.	Amount.
3	1st January, 1883.	No. 51	Erection of Separate School.	\$ c.
4	1st January, 1883.	No. 52	For payment of award re school section No. 22, and for other purposes.	3000 00
5	1st January, 1883.	No. 53	Drainage of portion of Village of Brockton.	1000 00
				8200 00

2. ANNEXATION TO THE CITY. (n)

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

2.—(3) The assessment rolls and the voters' lists of the village of Brockton and of the township of York, (in so far as they apply to the territory hereby annexed to the city of Toronto), for the year 1883, as finally revised for that year, are hereby confirmed, and the council of the city of Toronto, is, subject to other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose, as and for the assessment rolls and voters' lists for the said wards of St. Matthew and St. Mark, to which the same apply for the year 1884, and no further or other assessment for the said wards for the year 1884 need be made.

(4) The reeve and the two councillors having the highest number of votes, elected for the village of Brockton for the year 1884, shall be, and they are hereby declared to be the three aldermen for the said ward of St. Mark, for the year 1884, after this Act comes into force.

(5) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of three aldermen for the said ward of St. Matthew,

(n) Brockton and adjoining territory, was annexed to the city of Toronto by sub-section 2 of section 2 of 47 Vict. c. 59 (Ont.), p. 23, by which sub-section the boundaries of such territory were defined. See also note (c) to said sub-section 1b.

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and two public school trustees for each of the said wards of St. Matthew and St. Mark, under the statutes in that behalf, providing for filling vacancies occurring during the year; and the aldermen elected at such election, shall serve as aldermen of the said city of Toronto for the balance of the current year; and the trustees elected at such election, shall serve as public school trustees on the public school board for the city of Toronto, one for each of the said wards, the balance of the current year, and one for the balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place.

(6) Sections 4, 5, 6, 7, 8, and 13 of the Act passed in the forty-sixth year of the reign of Her Majesty, chaptered 46, entitled, *An Act respecting the city of Toronto and the village of Yorkville, and other matters*, are hereby incorporated with, and are to be read and taken as applying to the said village of Brockton, in the same manner and to the same extent as if the said village of Brockton had been annexed to the city of Toronto under the provisions of the said Act. 47 V. c. 59, s. 2 (3-6).

* * * * *

(8) The councils of the corporation of the city of Toronto and the county of York and township of York, respectively, are hereby authorized to settle and agree each with the other, or with any of them, upon all questions, claims, demands or disputes, which may arise between them or any of them, out of the annexation of the territory above described to the city of Toronto, or which may arise in respect of any school moneys, school sites or other claims, but in the event of the said councils not being able to so agree, then all such questions, disputes, claims, and demands shall be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, in that behalf; provided that the expenses incurred by the county in taking the census of the territory comprised in the said ward of St. Matthew, by this Act annexed to the said city, under the application for the incorporation of the same as a village, and which would have been payable by the said village if incorporated, shall be paid to the said county by the said city, not exceeding in all the sum of one hundred dollars. 47 V. c. 59, s. 2 (8).

* * * * *

3. ASSESSMENTS IN ST. MARK'S WARD. (c)

49 Vlot. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

* * * * *

21. In the matter of the recent annexation of the late ^{Assessments} Municipality of the village of Brockton to the city of ^{in St. Mark's} Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late municipality of Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said council, authorizing the issue of debentures for general school or local improvement purposes, or for incurring debts by way of temporary loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for the issue of debentures to retire such temporary loans, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and in order to provide for the payment of the principal and interest of the debts incurred by the said late village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the council of the corporation of the city of Toronto to pass by-laws providing for new and proper special local assessments, where assessments have been heretofore made by the council of the said late village of Brockton in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and for making proper special local assessments, where local improvements have been made with money borrowed in anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late village of Brockton, as well upon the credit of the village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid, and the sinking fund to be invested in relation thereto: provide that after the making of such new assessments and ratings

(c) See also 47 Vict. c. 59, s. 2, sub-s. 3 (Ont.), p. 45.

and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said city of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality. 49 V. c. 66, s. 21.

* * * * *

COURT HOUSE AND CITY HALL.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

Power to pass
by-laws.

1. The council of the corporation of the city of Toronto may pass by-laws for the following amongst other purposes notwithstanding any thing in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the said city of Toronto contained to the contrary. 47 V. c. 59, s. 1.

* * * * *

Taking lands
for public
buildings,
squares, etc.

(2) For entering upon, taking, using, and acquiring all lands which may at any time be required by the said city for the purposes of city hall buildings, and a court house within the limits of the city of Toronto, making due compensation therefor to the parties entitled thereto under the provisions of *The Consolidated Municipal Act, 1883*, in that behalf. 47 V. c. 59, s. 1 (2).

* * * * *

Issue of
debentures.

7. * * * To provide the means necessary to procure a site for and the erection of the new court house, to be erected within the said city * * * it shall and may be lawful for the said council of the city of Toronto to pass by-laws from time to time and as occasion may require,

without obtaining the assent of the electors thereto before the final passing thereof for borrowing money by the issue of debentures or city stock on the credit of the city at large to the amounts and for the purposes following that is to say: 47 V. c. 59, s. 7 *part*.

* * * * *

(2) To an amount not exceeding the sum of three hundred thousand dollars for the purpose of procuring a site for and erecting thereon a court house. 47 V. c. 59, s. 7 (2.) *Procuring a site for and erecting a court house.*

* * * * *

8. Provided, nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which the said council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts. 47 V. c. 59, s. 8. *Powers of city not abridged by provisions of this Act.*

9. Provided always, that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five. 47 V. c. 59, s. 9. *Act not to be construed as authorizing an extension of city debt.*

10. This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto. 47 V. c. 59, s. 10. *Act to be incorporated with municipal and assessment Acts.*

48 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 30th March, 1885.]

* * * * *

1. The agreement bearing date the twenty-sixth day of June, one thousand eight hundred and eighty-four, made between the corporation of the city of Toronto and the corporation of the county of York, providing for the erection and maintenance of a court house, and other *Agreement between corporation of city of Toronto and county of York confirmed.*

matters therein referred to and a copy of which is set forth in the Schedule A to this Act, is hereby declared to be and shall be held to be a valid and binding agreement between the said corporations; and it is hereby further enacted that the councils of the said municipalities shall have full power and authority, and they are and each of them is hereby authorized and empowered to pass any by-law or by-laws which may at any time, and from time to time, be necessary for the purpose of carrying into effect the said above in part recited agreement. 48 V. c. 73, s. 1.

(2) For the purpose of enabling the said city to carry on the works provided for in the said agreement, the council of the said city is hereby authorized and empowered to make agreements with any bank or banks, or with any person or persons, corporation or corporations for temporary advances and loans until the completion of said works, and thereafter, or from time to time, to pass by-laws for the issue of debentures to repay the amount of the temporary loans or advances aforesaid, and any interest paid or payable thereon; and it shall not be necessary to obtain the assent of the electors or ratepayers to the passing of any such by-law or by-laws, provided the same be approved of by the Lieutenant-Governor in Council; and the amount authorized to be borrowed under such by-law or by-laws shall not exceed the sum of \$425,000, which sum shall be in addition to the amount hereinbefore authorized. 50 V. c. 72, s. 1, (2).

(3) No indictment or other proceeding shall be instituted or prosecuted against the said county in respect of the existing court house accommodation, and after the passing of this Act, the said county shall cease to be responsible for any default in providing suitable accommodation for the courts or officers engaged in the administration of justice. 50 V. c. 72, s. 1, (3).

(4) The time for the completion of the said court house, offices and accommodation in the said agreement prescribed, shall be extended to the twenty-sixth day of June, 1889, and it shall be the duty of the said city forthwith, after the passing of this Act, to proceed with the erection of the same, and to complete the same as speedily as possible within the above extended time, and the said city alone shall be responsible for the failure to provide suitable court house accommodation. 50 V. c. 72, s. 1, (4).

* * * * *

SCHEDULE A.

ARTICLES OF AGREEMENT made this twenty-six day of June, A. D. 1884, between the corporation of the city of Toronto, (hereinafter called "the city" of the first part) and

the corporation of the county of York, (hereinafter called "the county" of the second part): Whereas it is expedient and necessary that a new court house for the said county and city should forthwith be built with proper rooms, offices, and accommodation therein, and convenient for the transaction of the business of the court, and other public business in connection with the administration of justice;

And whereas the city has proposed to the county that the county should not erect such court house, but in lieu thereof that the city should proceed to erect said court house upon the terms hereinafter mentioned.

Now this agreement witnesseth that in consideration of the premises, and in pursuance of the said proposal and agreement, the said the city doth hereby agree to and with the said the county that the city shall and will forthwith proceed with the selection of a suitable site at a convenient place in the said city for such court house, and shall and will, upon such selection being made, forthwith proceed to erect, build, and maintain a suitable court house thereon, regard being had to the future growth and requirements of the said city and of the county of York, with proper rooms, offices and accommodation therein for the convenient transaction of the business of the courts and other public business in connection with the administration of justice now by law carried on and conducted in a court house, erected under the provisions of the law, but not for any separate use by the county as a county municipality, nor for any separate use by the city as a city municipality, so that the same shall be fully completed and ready for use and occupation by the said courts, and by the officers thereof as soon as possible, and within three years and six months from the date of this agreement at the latest; and that the council of the said corporation of the city of Toronto will forthwith pass by-laws for so carrying into effect the provisions of this agreement; and the city doth hereby agree to, and with the county that the city shall and will maintain the said court house and all offices and rooms; and shall and will keep the same in repair, together with the grounds connected therewith, whether the same forms a separate building or is connected with any other to be built; and shall and will appoint keepers thereof whose duties shall be to attend to the proper lighting, heating and cleaning of the said court house, rooms and offices; and that the city shall and will, from time to time, provide all necessary and proper accommodation, fuel, light, and furniture for the courts of justice, and shall and will, from time to time, provide proper offices, together with fuel, light, and furniture for all offices connected with such courts.

And the city doth further agree to and with the county that the cost of a site and of the erection of said court

house, shall be borne solely by the said city, and the same shall be the property of the said city alone; and from and after the erection of the said court house, the city shall and will assume and undertake the statutory obligations respecting a court house of the judicial county of York for judicial purposes only; and the same shall and will be fully observed and discharged by the said city, so that the said county shall be relieved therefrom.

And the county doth hereby agree to, and with the said city, that from and after the erection and completion of the said court house and offices ready for use and occupation by the said courts, and the officers connected therewith, the said county shall, as part of the judicial county of York, bear and pay to the said city the just share and proportion of all charges and expenses from time to time, as the same may be incurred, of the proper lighting, cleaning and heating of the said court house; and for providing all necessary and proper accommodation, fuel, light, and furniture for the courts of justice and the officers thereof, and of all other charges relating to the administration of justice which now are, or which at any time hereafter may be made by law payable by the county in the first instance, or which the county has heretofore borne, (except such constables' fees, and such disbursements and charges connected with coroners' inquests, and such other charges as the county is now entitled to be repaid by the Province); and shall also pay to the said city such sum annually in respect of the use of the said court house for county purposes, including the holding of courts, and the use of portions thereof by judicial officers of the judicial county, as a part of such judicial county should justly be charged with; regard being had to the cost of the site and of erecting, building, repairing, and maintaining the said court house, as may be mutually agreed upon by the city and the county, or settled by arbitration under *The Consolidated Municipal Act, 1883*, in case they do not agree, provided always that in case the cost of the site and of the erection of the court house aforesaid, with the offices aforesaid, shall have exceeded four hundred thousand dollars, yet in fixing such annual sum to be paid by the said county annually for the use of the said court house, the cost of the site and of the erection of the buildings aforesaid, shall not be taken at any larger amount than four hundred thousand dollars, but the amount to be paid annually by the county, shall be the proportion justly payable by the county as part of the said judicial county aforesaid, based upon the actual cost thereof, but not in any case exceeding the said sum of four hundred thousand dollars.

And the said city doth further agree to and with the county that, from and after the completion of the said court house, all fees and other moneys now payable by

the county under the provisions of *The Jurors' Act* and amendments thereto, and under chapters 84, 85 and 87 of the Revised Statutes of Ontario, and all other fees and moneys now payable or to be advanced out of county funds for, or in connection with the administration of justice shall be thereafter paid or advanced by the city, and by and out of city funds. And the county doth further agree to and with the said city, that the county shall pay and refund to the said city the proportion of all such fees and moneys as by law is now payable by the county as their proportion thereof; and the city shall be entitled to all fees and moneys now payable to the said county or the treasurer thereof, under the provisions of the said Acts, and to all refunds or reimbursements now payable to the county in respect thereof, all of which shall thereafter be paid to the said city and the treasurer thereof, instead of to the said county or the treasurer thereof, it being the true meaning and intent of this agreement and of the parties thereto, that from and after the completion of the said court house the said city shall in all things assume the existing obligations of the county to provide funds respecting the administration of justice, and that the county shall contribute to the city their proportion only of the fees and moneys payable respecting such obligations. Provided always, and it is hereby agreed by and between the parties hereto, that in case after the lapse of five years from such compensation having been settled by agreement or award as above provided, it appears reasonable to the Lieutenant-Governor in Council upon the application of either party that the amount of such compensation payable by the county to the city in respect of the several matters and things above mentioned, should be reconsidered, he may by order in council direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils of the said city and county shall settle anew by agreement or arbitration under the provisions of the said *Consolidated Municipal Act, 1883*, or any then existing modification thereof in that behalf, the amount to be paid from the time so named in the order, and that the said matter may be from time to time thereafter in like manner opened up at the end of every five years in manner aforesaid at the instance of either party.

And it is hereby further agreed that the county shall not be entitled to the separate use of the said court house or of any of the offices therein, and that the same shall be used by the said county only as part of the judicial county.

And it is hereby further agreed by and between the parties hereto that if any dispute shall arise between the said county and city in respect of the matters hereinbefore mentioned, the same shall from time to time be referred to arbitration in manner provided by *The Consolidated Municipal Act, 1883*, unless the said county and city

shall from time to time mutually agree; and it is hereby lastly agreed that the said city and county shall join in a petition to the Legislature asking that this agreement be confirmed and be declared to be binding upon the said corporations respectively, and for such legislation as may be requisite to relieve the county from any further obligations to provide court house accommodation for judicial purposes after the erection and completion of the said new court house and other obligations aforesaid, and to confer upon the city the power to assume the same, and otherwise to carry out the provisions of this agreement.

In witness whereof the said corporations have hereto affixed their corporate seals the day and year first above written. 48 V. c. 73, Sched.

50 Vict. c. 72 (Ont.)

An Act to provide for the erection of a Court House in the City of Toronto.

[Assented to 23rd April, 1887.]

Power to sell
existing court
house.

2. (p) The county may sell and convey the existing court house, and the lands and appurtenances therewith used and enjoyed, or any part thereof, at any time after the same may cease to be required for court house purposes, and the council of the county may by by-law provide for such sale being made either for cash or on credit, or partly for cash and partly on credit, and may prescribe the security to be taken in case of sale on credit, and may provide for the manner of executing the conveyance or conveyances thereof, and otherwise in relation to the sale and conveyance as they may find necessary or deem expedient. 50 V. c. 72, s. 2.

52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

New court
house and
city hall.

14. The council of the corporation of the city of Toronto may, by by-law, entrust the control and manage-

(p) Section 1, See p. 50.

ment of the erection and completion of the proposed new combined court house and city hall (within the limits of expenditure therefor which may from time to time be authorized), to a commission consisting of three members, who shall be appointed by by-law of the said corporation, and shall receive such remuneration as the said council may by the same or by any other by-law determine. Any vacancies occurring from time to time in said commission may be filled by by-law of the said council. 52 V. c. 73, s. 14.

* * * * *

COURTS.

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1. LOCAL COURTS OF COUNTY OF YORK.

R. S. O. (1887) c. 46. (g)

An Act respecting County Judges and the Local Courts.

* * * * *

26—(1.) The Lieutenant-Governor may from time to time appoint a person to fill the office of shorthand writer for the local courts of the county of York, and such person shall be subject to the direction of the senior judge, or, in his absence, to the direction of the junior judge, and shall be entitled to such remuneration, either by salary or by fees, or partly by salary and partly by fees, as the Lieutenant-Governor in Council may from time to time direct; and if paid by salary only, the fees payable in respect of his duties as a shorthand writer, shall go in reduction of his salary, and the balance, if any, shall be paid by the county quarterly, on the first day of January, April, July and October of every year.

(2.) The fees, and all matters relating to the duties of said officer shall be determined and regulated from time to time by the judges of the said county court, subject to the approval of the Lieutenant-Governor in Council.

(g) Original Act, 40 V. c. 19, s. 4.

Share of city
of Toronto in
salary.

Rev. Stat. c.
184.

(3) The city of Toronto shall bear and recompense the county of York for a proper proportion of the salary, and the proportion, in case the city and council disagree, shall be determined by arbitration, according to the provisions of *The Municipal Act*; and, subject to such agreement or arbitration and until and unless the same determines a different proportion, the city shall pay to the county one-half, and the county's share shall be one-half of the salary. R. S. O. 1877, c. 42, s. 24.

CROWN ATTORNEY.

56 Vict. c. 19 (Ont.)

An Act respecting the office of County Crown Attorney in the County of York and City of Toronto.

[Assented to 27th May, 1893.]

Preamble.

WHEREAS, from the increase in the population of the city of Toronto and the county of York, the amount and character of business which has to be performed by a county attorney in the administration of justice in the said county have become such that two competent and responsible Crown attorneys are needed for the due administration of Justice, instead of one as in other counties, no increase in the expense to the public or to individuals being thereby occasioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Two Crown
attorneys for
York and
Toronto.

1. There shall hereafter be two Crown attorneys for the county of York, one of whom shall be designated the Crown attorney for the county of York, and the other the Crown attorney for the city of Toronto. 56 V. c. 19, s. 1.

Duties of
Crown attor-
ney for the
city of To-
ronto.

2. The Crown attorney for the city of Toronto shall be the Crown attorney whose duty it shall be to institute and conduct on the part of the Crown prosecutions before the police magistrate for the city of Toronto, and to institute and conduct all other proceedings in the police court for

the city of Toronto before the said police magistrate, or any justice or justices of the peace acting for such police magistrate, under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health and other matters made punishable on summary conviction before such police magistrate, or justice or justices of the peace; and the said Crown attorney is hereby empowered to institute such proceedings upon a complaint in writing, or as public prosecutor in cases where the public interest requires the exercise of such office. 56 V. c. 19, s. 2.

3.—(1) The Crown attorney for the county of York shall perform like duties and have like powers to those which are hereby conferred by the preceding section upon the Crown attorney for the city of Toronto, with respect to all police and magistrates' courts within the county of York which are outside of the jurisdiction of the police court for the city of Toronto. Duties of Crown attorney for county of York.

(2) Except as otherwise by this Act expressly provided, the said Crown attorney for the county of York shall also perform all the duties required to be performed by county Crown attorneys under and in pursuance of *The Act respecting County Crown Attorneys*, or any regulations made thereunder, and the *Act to amend the Act respecting County Crown Attorneys*. 56 V. c. 19, s. 3. Rev. Stat. c. 79.

4. Nothing in this Act contained is to increase expense to the public or to the parties to any proceeding. 56 V. c. 19, s. 4. Expense of proceedings not to be increased.

5. This Act shall be read as part of the said *Act respecting County Crown Attorneys*, and the Act amending the same. 56 V. c. 19, s. 5. Act incorporated with Rev. Stat. c. 79 and 54 V. c. 17.

DEBT AND DEBENTURES.

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1. GENERALLY.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

8. * * * Nothing in this Act (r) contained shall be construed so as to take away, or in any way abridge any powers which the said council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts. 47 V. c. 59 s. 8.

Powers of city
not abridged
by provisions
of this Act.

(r) This Act (47 V. c. 59 (Ont.)) gave power to the city to raise moneys for water works, for a site for a court house, for the garrison creek sewer and for the acquisition of roads in county of York, etc.

9. Provided always, that nothing in this Act con- Act not to be
tained shall be construed as authorizing an extension of the construed as
general city debt beyond the limits thereof fixed by the authorizing
Act passed by the Legislature of the Province of Ontario, of city debt.
in the forty-second year of Her Majesty's reign, chaptered
seventy-five. 47 V. c. 59, s. 9.

10. This Act shall be deemed to be incorporated Act to be in-
with, and as amending the general Municipal and Assess- corporated
ment Acts, and the amendments thereto, in so far as the with munic-
same relate to the city of Toronto. 47 V. c. 59, s. 10. pal and as-
essment
Acts.

52 Vict. c. 74 (Ont.)

An Act respecting the Consolidation of the Deben-
ture Debt of the City of Toronto.

[Assented to 23rd March, 1889.]

10. Any debentures hereafter issued by the said corpo- Term of
ration of the city of Toronto, under the provisions of this debentures.
Act, or under any other statutory authority, whether for
general city purposes, school purposes, or for water works
purposes, may, notwithstanding anything in *The Municipal* Rev. Stat. cc.
Act, The Toronto Water Works Act, The Public Schools 184, 225, and
Act, or any other Act or Acts contained, be issued and 35 V. c. 79.
made payable at any time not exceeding forty years from
the day of the date of the respective issues thereof. 52 V.
c. 74, s. 10.

2. CONFIRMATION OF DEBENTURE BY-LAWS.

(a) Generally.

40 Vict. c. 40 (Ont.)

An Act to legalize a certain By-law and certain
Debentures of the City of Toronto.

[Assented to 2nd March, 1877.]

Effete.

46 Vict. c. 43 (Ont.)

An Act respecting the City of Toronto.

[Assented to 1st February, 1883.]

* * * * *

By-laws
confirmed.

4. Notwithstanding anything in the said Act passed in the forty-second year of the reign of Her Majesty and chaptered seventy-five, (s) or any other Act passed by the Legislature of Ontario to the contrary, all by-laws passed by the said council of the corporation of the city of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of the local improvements and works constructed and made since the said Act was passed, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and all by-laws passed by the said council for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual. 46 V. c. 43, s. 4.

* * * * *

48 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 30th, March 1885.]

* * * * *

By-laws for
borrowing
money con-
firmed.

4. All by-laws heretofore passed by the said council of the corporation of the city of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual. 48 V. c. 73, s. 4.

(s) An Act which provided for the reconsolidation of the city debt. See p. 101.

49 Vict. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1886.]

* * * * *

22. All by-laws heretofore passed by the said council of Confirmation the corporation of the city of Toronto, for borrowing money of by-laws on the general credit of the city to provide for the payment and debentures of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual. 49 V. c. 66, s. 22.

* * * * *

50 Vict. c. 71 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

* * * * *

2. All by-laws heretofore passed by the said council of By-laws confirmed the corporation of the city of Toronto for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing moneys by the issue of debentures secured by special assessments on the Toronto Street Railway Company to provide for the payment of their share of local improvements and works, and for borrowing money by the issue of debentures secured by special assessments on the real property benefited by such improvements and works, and all special assessments made and rates imposed under such by-laws for such purposes are hereby declared valid and effectual. 50 V. c. 71, s. 2.

* * * * *

52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

By-laws confirmed.

15. All by-laws heretofore passed by the said council of the corporation of the city of Toronto for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing moneys by the issue of debentures secured by special assessments on the Toronto Street Railway Company to provide for the payment of their share of said improvements and works, and for borrowing money by the issue of debentures secured by special assessments on real property benefited by such improvements and works, and all special assessments made and rates imposed under such by-laws for such purposes, are hereby declared to be valid and binding upon all parties interested therein or affected thereby. 52 V. c. 73, s. 15.

* * * * *

54 Vict. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

* * * * *

Certain
by-laws
confirmed.

14. All by-laws heretofore passed by the council of the city of Toronto for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money for the issue of debentures secured by special assessments upon the property of the Toronto Street Railway Company, to provide for the payment of the cost of the said company's share of local improvements and works, and for borrowing money for the issue of debentures secured by special assessment on the real property benefited by such improvements and works, and all special assessments made and all debentures issued or to be issued thereunder are hereby validated and confirmed. 54 V. c. 82, s. 14.

55 Vict. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

* * * * *

6. All by-laws passed by the council of the said city since the 4th day of May, 1891, and before the 31st day of December, 1891, for borrowing money and all debentures issued or to be issued thereunder, and all special assessments made for the payment of such debentures, are hereby validated and confirmed. ^{Certain by-laws confirmed.} Provided, that nothing herein contained shall apply to any by-law in respect of which any proceedings have been taken to set aside or quash the same, and nothing contained herein or in the Act passed in the 54th year of Her Majesty's reign, and chaptered 82, shall affect any action or proceeding now pending. 55 V. c. 90, s. 6.

56 Vict. c. 85 (Ont.)

An Act respecting the City of Toronto.

[Assented to 27th May, 1893.]

* * * * *

8. The by-laws of the corporation of the city of Toronto specified in schedule "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made for payment thereof, are hereby validated and confirmed. ^{Certain by-laws confirmed.} 56 V. c. 85, s. 8.

* * * * *

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SCHEDULE "B."

(Section 8.)

List of By-laws providing for the issue of Debentures passed by the Council of the City of Toronto since December 31st, 1891.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
2954	To provide for the issue of City of Toronto General Debentures to the amount of \$31,817, for the purpose of completing certain additions to the Jarvis street and Jameson avenue Collegiate Institute, and completing the new Harbord street Collegiate Institute.	January 15th, 1892	\$ 31,817 00	\$ 31,817 00	\$ c	40 years	4%
2958	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$72,551.61 to defray the ratepayers' share of the cost of certain sewers laid down in the year 1891 as local improvements.	January 15th, 1892	72,551 61		72,551 61	Various	4%
2959	To provide for borrowing money by the issue of Debentures, secured by local special rates on the property fronting or abutting on Dagnar avenue and Birdle avenue, and between Page avenue and Jones avenue, in the Ward of St. Matthew (now in Ward Number One), for the extension of Dagnar avenue from its easterly terminus to connect it with Birdle avenue.	January 15th, 1892	1,925 20		1,925 20	10 years	4%
2960	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Trefann street, between Queen street and Sydenham street, in the Ward of St. David (now in Ward Number Two), for the extension of Trefann street, from its northerly terminus to Sydenham street.	January 15th, 1892	2,352 85		2,352 85	10 years	4%

2961 To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Trefann street, between Queen street and Sydenham street, in the Ward of St. David (now in Ward Number Two), for the extension of Trefann street, from its northerly terminus to Sydenham street.

2061	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Trefann street, between Queen street and Sydneyham street, in the Ward of St. David (now in Ward Number Two), for the extension of Trefann street, from its northerly terminus to Sydneyham street.	January 15th, 1892 ..	7,967 96	7,967 96 10 years ..	4%
2062	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Grafton avenue, from Roucavalles avenue to Triller avenue (formerly Montague street), in the Ward of St. Alban (now in Ward Number Six), for the extension of Grafton avenue, from its easterly limit to Montague street (now Triller avenue.)	January 15th, 1892 ..	1,757 29	1,757 29 10 years ..	4%
2063	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk on the east side of Brunswick avenue, between College street and a point 108 feet north thereof, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892 ..	258 57	258 57 7 years ..	4%
2064	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk and stone curbing on the north side of College street, between Spadina avenue and Robert street, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892 ..	2,051 58	2,051 58 7 years ..	4%
2065	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk with stone curbing on the east side of Dundas street, between Bruce street and a point 144 feet south on Dundas street, in the Ward of St. Stephen (now in Ward Number Five).	January 15th, 1892 ..	858 29	858 29 7 years ..	4%
2066	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk with stone curbs on the south side of Queen street west, between Esther street and Bathurst street, in the Ward of St. Andrew (now in Ward Number Four).	January 15th, 1892 ..	4,835 05	4,835 05 7 years ..	4%

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of interest.
2967	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of Queen street, between Spadina avenue and Esther street, in the Ward of St. Andrew (now Ward Number Four).	January 15th, 1892 ..	\$ 3,836 69	\$	\$ 3,836 69	7 years ...	4%
2968	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk and stone curbing on the north side of Queen street, between Berkeley street and Parliament street, in the Ward of St. David (now in Ward Number Two).	January 15th, 1892 ..	1,689 47	.....	1,689 47	7 years ...	4%
2969	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the west side of Jordan street, from a point in line with the north limit of the first lane of Wellington street and leading westerly from Jordan street, being 95 feet north of Wellington street, and from thence in a northerly direction for a distance of 30 feet, in the Ward of St. George (now in Ward Number Three).	January 15th, 1892 ..	79 89	.....	79 89	5 years ...	4%
2970	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of King street, between York street and a point 78 feet west thereof, in the Ward of St. George (now Ward Number Three).	January 15th, 1892 ..	355 02	.....	355 02	7 years ...	4%

DEBT AND DEBENTURES.

67

2970	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of King street, between York street and a point 78 feet west thereof, in the Ward of St. George (now Ward Number Three).	2,283 85	2,283 85 7 years	4%
2971	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on both sides of Melinda street, between York street and Bay street, in the Ward of St. George (now in Ward Number Three).	1,273 06	1,273 06 7 years	4%
2972	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk on the east side of Yonge street, between Carlton street and Wood street, in the Ward of St. James (now in Ward Number Three).	845 00	845 00 7 years	4%
2973	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbing on the north-east corner of Queen street and Gladstone avenue, in the Ward of St. Mark (now in Ward Number Six).	3,937 00	3,937 00 10 years	4%
2974	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbing on the north side of Queen street, between Denison avenue and Bathurst street, in the Ward of St. Patrick (now in Ward Number Four).	860 74	860 74 7 years	4%
2975	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the north side of Queen street, between Palmerston avenue and a point 163 1/2 feet west therefrom, being the west limit of the property of James and William Crocker, in the Ward of St. Stephen (now in Ward Number Five).	1,219 34	1,219 34 10 years	4%
2976	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk and stone curbing on the north side of Queen street, between Ontario street and Seaton street, in the Ward of St. Thomas (now Ward Number Two).			

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
2977	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a concrete sidewalk on both sides of Gerrard street, between Jarvis street and Sherbourne street, in the Ward of St. Thomas (now in Ward Number Two).	January 15th, 1892 ..	\$ 2,037 31	\$..	\$ 2,037 31	10 years ..	4%
2978	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Granolithic sidewalk, on south side of Wellington street, from a point in line with the easterly limit of the premises of George McLean Rose, and being 197 feet east of Bay street, and to the west limit of said premises in the Ward of St. George (now in Ward Number Three).	January 15th, 1892 ..	488 99	.....	488 99	7 years ..	4%
2979	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Granolithic sidewalk on the north side of King street, between Yonge street and Toronto street, in the Ward of St. James (now Ward Number Three).	January 15th, 1892 ..	2,131 94	.....	2,131 94	6 years ..	4%
2980	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the south side of Queen street, from a point in line with the easterly limit of the new block of stores owned by John Smith, being 104 feet west of Baseball place, to a point 168 feet westerly therefrom, in the Ward of St. Lawrence (now in Ward Number One),	January 15th, 1892 ..	990 82	.....	990 82	7 years ..	4%

2981	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the widening of a Granolithic sidewalk on the west side of Spadina avenue, between Nassau street and Oxford street, in the Ward of St. Patrick (now in Ward Number Four).	1,390 90	1,390 90 7 years ...	4%
2982	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Granolithic sidewalk with stone curbs on the east side of Spadina avenue, between Queen street and Grange avenue, in the Ward of St. Patrick (now in Ward Number Four).	6,726 79	6,726 79 10 years ..	4%
2983	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between College street and Bloor street, in the Ward of St. John (now in Ward number Three).	14,386 65	14,386 65 15 years ..	4%
2984	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a stone flag sidewalk on the north side of Grenville street, between Yonge street and Surrey Place, in the Ward of St. John (now in Ward Number Three).	2,005 16	2,005 16 7 years ..	4%
2994	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$67,112.71, to defray the ratepayers' share of the cost of certain cedar block and tamarac pavements laid down in the years 1890 and 1891 as local improvements.	67,112 71	67,112 71 Various ..	4%
2995	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$17,398 08 to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891 as local improvements.	17,398 08	17,398 08 Various ..	4%

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
2996	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$15,514.98 to defray the ratepayers' share of the cost of certain sewers laid down in the years 1887 and 1891 as local improvements.	February 1st, 1892 ..	\$ 15,514 98	\$ c	\$ c 15,514 98	Various ..	4%.
2997	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway on Jordan street, between King street and Wellington street, in the Ward of St. George (now in Ward Number Three).	February 1st, 1892 ..	2,717 60	.....	2,717 60	8 years ...	4%.
2998	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Melinda street, between Yonge street and Bay street, in the Ward of St. George (now in Ward Number Three).	February 1st, 1892 ..	6,000 00	.....	6,000 00	8 years ...	4%.
2999	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Wellington street, between Bay street and York street in the Ward of St. George (now in Ward Number Three).	February 1st, 1892 ..	14,125 12	.....	14,125 12	8 years ...	4%.
3000	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Scott street, between Front street and Colborne street, in the Ward of St. Lawrence (now in Ward Number Three).	February 1st, 1892 ..	3,133 51	.....	3,133 51	9 years ...	4%

		February 1st, 1892...	22,417 41	22,417 41 9 years ...	4%
3001	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bloor street, between Yonge street and Sherbourne street, in the Wards of St. Paul, St. James and St. Thomas (now in Wards Numbers Two and Three).		•		
3002	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Brunswick avenue, between College street and a point 108 feet north, in the Ward of St. Patrick (now in Ward Number Four).	February 1st, 1892...	185 47	135 47 2 years ..	4%
3003	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the widening of a cedar block roadway on the west side of Spadina avenue, between Clyde street and Nassau street, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892...	489 00	489 00 3 years ..	4%
3004	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the widening of the cedar block roadway on the west side of Spadina avenue, between Nassau street and Orford street, in the Ward of St. Patrick (now in Ward Number Four).	February 1st, 1892...	674 09	674 09 4 years ..	4%
3005	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Dundas street, between Bruce street and a point 144 feet south therefrom, in the Ward of St. Stephen (now in Ward Number Five).	February 1st, 1892...	83 01	83 01 2 years ..	4%
3006	To provide for borrowing money by the issue of debentures, secured by local special rates, for raising the grade of Queen street and constructing of a cedar block roadway thereon from a point 42 feet east of the easterly limit of Bellwoods avenue to a point 600 feet west on the line of Queen street, in the Ward of St. Stephen (now in Ward Number Five).	February 1st, 1892...	3,661 38	3,661 38 10 years ...	4%.

3000 To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Scott street, between Front street and Colborne street, in the Ward of St. Lawrence (now in Ward Number Three).

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
3007	To provide money by the issue of Debentures, secured by special rates, for the construction of a sewer on Steiner street, between Matilda street and the river Don, in the Ward of St. Matthew (now in Ward Number One).	February 1st, 1892 ..	\$ 967 31	\$..	\$ 967 31	20 years ..	4%.
3008	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between Queen street and College street, in the Ward of St. John (now in Ward Number Three).	February 1st, 1892 ..	16,027 46	.....	16,027 46	6 years ..	4%.
3009	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the west side of Spadina avenue, between Nassau and Clyde streets, in the Ward of St. Patrick (now in Ward Number Four).	February 1st, 1892 ..	2,062 04	.....	2,062 04	6 years ..	4%.
3010	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Hawthorne terrace, between Dowling avenue and Jamieson avenue, in the Ward of St. Alban (now in Ward Number Six), for the extension of Hawthorne terrace.	February 1st, 1892 ..	3,894 60	.....	3,894 60	10 years ..	4%.
3011	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and Bloor street, in the Ward of St. Stephen (now in Ward Number Five), for the widening of Sully street.	February 1st, 1892 ..	3,244 01	.....	3,244 01	13 years ..	4%.

3012	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and Bloor street, in the Ward of St. Stephen (now in Ward Number Five), for the widening of Sully street.	February 1st, 1892	36,517 77	34,517 77 30 years ..	4%.
3014	To provide money by the issue of Debentures, secured by special rates, for the construction of a sewer on Melady lane, between Sydenham street and St. David street, in the Ward of St. David (now in Ward Number Two).	February 15th, 1892	703 60	703 60 30 years ..	4%.
3015	To provide money by the issue of Debentures, secured by special rates, for the construction of a sewer on Yonge street, between Anne street and St. Alban's street, in the Wards of St. James and St. John (now in Ward Number Three).	February 15th, 1892	12,070 71	12,070 71 30 years ..	4%.
3016	To provide money by the issue of Debentures, secured by special rates, for the construction of a sewer on Sheridan avenue, between a point 350 feet north of Bank street and Dundas street, in the Ward of St. Mark (now in Ward Number Six).	February 15th, 1892	1,802 43	1,802 43 10 years ..	4%.
3017	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between York street and a point 183½ feet easterly, in the Ward of St. George (now in Ward Number Three).	February 15th, 1892	700 15	700 15 6 years ..	4%.
3018	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between a point 183½ feet east of York street, and the east terminus of Piper street, in the Ward of St. George (now in Ward Number Three).	February 15th, 1892	1,499 74	1,499 74 3 years ..	4%.
3019	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Phoebe street, between Spadina avenue and Soho street, in the Ward of St. Patrick (now in Ward Number Four).	February 15th, 1892	3,436 60	3,436 60 10 years ..	4%.

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
3020	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Avenue road, between Davenport road and the north city limit, in the Ward of St. Paul (now in Wards Numbers Three and Four).	February 15th, 1892..	\$ 8,431 93	\$ c	\$ c 8,431 93	9 years ..	4%.
3021	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Roxborough street, between Yonge street and a point 2,182 feet easterly, in the Ward of St. Paul (now in Ward Number Two).	February 15th, 1892..	10,295 87	.....	10,295 87	9 years...	4%.
3022	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Spadina road, between Barnard avenue and the Canadian Pacific Railway, in the Ward of St. Paul (now in Ward Number Four).	February 15th, 1892..	3,791 77	.....	3,791 77	10 years ..	4%.
3023	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Christie street, between Bloor street and Melville street, in the Ward of St. Stephen (now in Ward Number Five).	February 15th, 1892..	6,690 43	.....	6,690 43	7 years...	4%.
3024	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on St. George street, between College street and Bloor street, in the Ward of St. Patrick (now in Ward Number Four).	February 15th, 1892..	37,294 02	.....	37,294 02	10 years ..	4%.

3025 To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on ... street, between ... street and ... street, in the Ward of ... (now in Ward Number ...).

DEBT AND DEBENTURES.

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3024	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on St. George street, between College street and Bloor street, in the Ward of St. Patrick (now in Ward Number Four).	February 15th, 1892..	7,011 15	7,011 15/10 years ..	4%.
3025	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Gerrard street, between Jarvis street and Sherbourne street, in the ward of St. Thomas (now in Ward Number Two).	February 15th, 1892..	2,002 35	2,002 35/5 years ..	4%.
3027	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Jones avenue, between Queen street and Danforth avenue, in the Ward of St. Matthew (now in Ward Number One), for the grading of Jones' avenue.	February 29th, 1892..	19,201 57	19,201 57 Various ..	4%.
3030	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$19,201.57, to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the year 1891, as local improvements.	February 29th, 1892..	7,007 45	7,007 45 Various ..	4%.
3031	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$7,007.45, to defray the ratepayers' share of the cost of certain sewers laid down in the year 1891, as local improvements.	February 29th, 1892..	12,806 94	12,806 94/8 years ...	4%.
3032	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bay street, between King street and Queen street, in the Ward of St. Andrew (now in Ward Number Three).	February 29th, 1892..	16,041 22	16,041 22/8 years ...	4%.
3033	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Hamburg avenue, between Bloor street and Union street in the Ward of St. Mark (now in Ward Number Six).	February 29th, 1892..			

DEBT AND DEBENTURES.

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate- payers.	Period of Payments.	Rate of Interest.
3034	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block and stone roadway and private drains on Blor street between Bathurst street and Defferin street, in the Ward of St. Stephen and St. Mark (now in Ward Number Five and Six).	February 20th, 1892.	\$ ^c 22,291 10	\$ ^c	\$ ^c 22,291 10	10 years	4%.
3035	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and also private drains on Rosedale road, between North drive and Roxborough street, in the Ward of St. Paul (now in Ward Number Two).	February 20th, 1892.	740 67	.....	740 67	6 years	4%.
3036	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cobble stone roadway on Rossin house lane, between York street and its East terminus, in the Ward of St. George (now in Ward Number Three).	February 20th, 1892.	767 80	.....	767 80	6 years	4%.
3037	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a granolithic sidewalk and stone curbing on the north-east corner of Victoria street and Adelaide street, in the Ward of St. James (now in Ward Number Three).	February 20th, 1892.	1,555 98	.....	1,555 98	5 years	4%.

3038

To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk and stone curbing on the north side of

February 20th, 1892.

1,141 92

1,141 92 5 years 4%.

3037	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a granolithic sidewalk and stone curbing on the north-east corner of Victoria street and Adelaide street, in the Ward of St. James (now in Ward Number Three).	February 20th, 1892.	1,141 92	1,141 92 0 years ..	4%.
3038	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk and stone curbing on the north side of College street, between Robert street and Major street, in the Ward of St. Patrick (now in Ward Number Four).	February 20th, 1892.	1,192 98	1,192 98 4 years ..	4%.
3039	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a wood sidewalk and stone curbing on Grosvenor street between Yonge and St. Vincent street, in the Ward of St. John (now in Ward Number Three).	February 20th, 1892.	1,134 33	1,134 33 5 years ..	4%.
3040	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a wood sidewalk and cedar curbing on Strachan avenue, between King street and Queen street, in the Ward of St. Andrew (now in Ward Number Five).	February 20th, 1892.	249 75	249 75 1 year	4%.
3041	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of curbing and removal of culverts on Claremont street, between Queen street and Robinson street, in the Ward of St. Stephen (now in Ward Number Five).	February 20th, 1892.	23,806 49	23,806 49 Various ..	4%.
3044	To provide for the issue of Local Improvement Debentures, of the Corporation of the City of Toronto to the amount of \$23,806.49, to defray the ratepayers' share of the cost of certain sidewalks laid down in the year 1891, as local improvements.	March 14th, 1892.....	16,681 93	16,681 93 20 years ..	4%.
3045	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Gerrard street, between Logan avenue and Greenwood avenue, and on Carlaw avenue between a point 1,200 feet north of Queen street, and a point 600 feet south of Danforth avenue, in the Ward of St. Matthew (now in	March 14th, 1892.....			



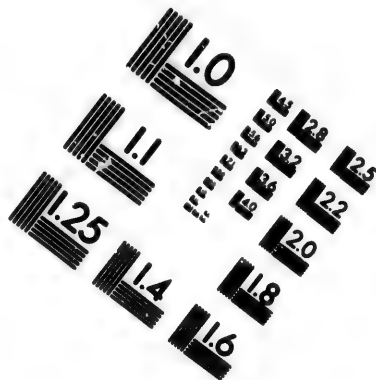
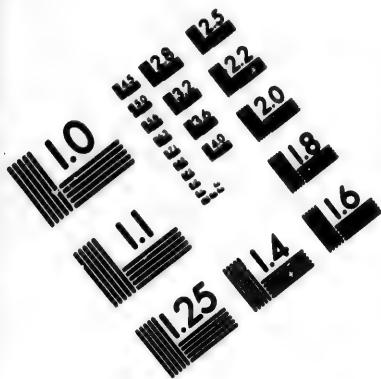
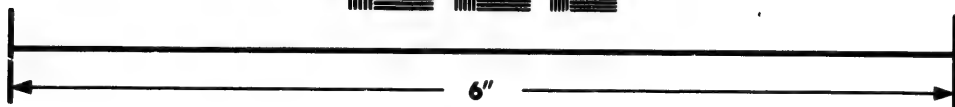
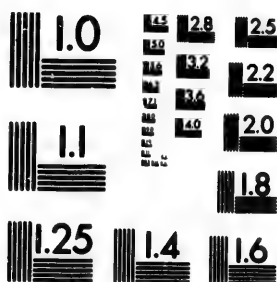


IMAGE EVALUATION TEST TARGET (MT-3)



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List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of interest.
			\$ c.	\$ c.	\$ c.		
	Ward Number One), for the construction of a subway at the intersection of Gerrard street, Carlaw avenue and the Grand Trunk Railway.						
3046	To provide money by the issue of Debentures secured by special rates, for the construction of a sewer on Carlaw avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One).	March 14th, 1892....	21,450 98	.....	21,450 98 20	years ..	4%
3047	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the widening and construction of a cedar block roadway on the north side of College street, between Robert street and Spadina avenue, in the Ward of St. Patrick (now in Ward Number Four).	March 14th, 1892 ..	530 35	.....	530 35 3	years ..	4%
3048	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Leslie street, between Queen street and Ashbridge's Bay, in the Ward of St. Lawrence (now in Ward Number One).	March 14th, 1892....	3,705 97	.....	3,705 97 10	years ..	4%
3049	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Byron avenue, formerly Ross street, between Chatham street, formerly Sheridan avenue, and Danforth avenue, in the Ward of St. Matthew (now in Ward Number One), for the grading of Byron avenue.	March 14th, 1892...	2,748 27	2,748 27 5	years ..	4%

DEBT AND DEBENTURES.

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		903 181	903 185 years ..	4%.
3050	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Chatham street, formerly Ross street, between Chatham street, formerly Sheridan avenue, and Danforth avenue, in the Ward of St. Matthew (now in Ward Number One), for the grading of Byron avenue.	March 14th, 1892.....
3051	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Carlaw avenue, between Queen street and Danforth avenue, in the Ward of St. Matthew (now in Ward Number One), for the extension of Carlaw avenue.	March 14th, 1892.....	46,770 88	46,770 88 10 years .. 4%.
3053	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of \$2,199.90, to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891, as local improvements.	March 28th, 1892....	2,199 90	2,199 90 Various .. 4%.
3054	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Gordon street, between Dufferin street and Sheridan avenue, in the Ward of St. Mark (now in Ward Number Six).	March 28th, 1892....	1,310 63	1,310 63 5 years .. 4%.
3055	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway on Palmerston avenue, between Bloor street and the Ontario and Quebec Railway Company's lands, in the Ward of St. Stephen (now in Ward Number Five).	March 28th, 1892....	10,458 37	10,458 37 8 years .. 4%.
3078	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$248,110, for the purpose of providing funds for the paving of portions of streets occupied by the Toronto Railway Company.	June 18th, 1892.....	248,110 00	248,110 00 10 years .. 4%.

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payment.	Rate of Interest.
3086	To provide for the issue of "City of Toronto General Consolidated Loan Debentures," to the amount of \$150,000, for extending and improving the Exhibition Park and erecting additional buildings and otherwise improving the said park for exhibition purposes.	July 13th, 1892.	\$ 150,000 00	\$ 150,000 00	\$ c.	30 years	4%.
3090	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$194,500, for the purpose of providing funds for the paving portions of streets occupied by the Toronto Railway Company.	September 20th, 1892.	194,500 00	194,500 00	.....	10 years	4%.
3098	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Beatty avenue, between King street and Queen street, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892.	702 12	.....	702 123	years	4%.
3099	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on Sorauren avenue, between Queen street and the north limit of St. Alban's Ward, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892.	1,731 33	1,731 333	years	4%.

DEBT AND DEBENTURES.

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3100	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Beatty avenue, between King street and Queen street, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	433 11	433 11 7 years ..	4%.
3101	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Lansdowne avenue, between Queen street and Union street, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	209 49	209 49 5 years ..	4%.
3102	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Maynard avenue, from King street to Leopold street, and on Leopold street between Jamieson avenue and Maynard avenue, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	208 28	208 28 6 years ..	4%.
3103	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a cedar block and cobble roadway and wood curbing on College street, between Ossington avenue and Dufferin street, in the Wards of St. Stephen and St. Mark (now in Wards Numbers Five and Six).	November 21st, 1892..	367 00	367 00 6 years ..	4%.
3104	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and sidewalks on Rath street, between Roncesvalles avenue and Sorarene avenue, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	363 50	363 50 7 years ..	4%.

List of By-laws, etc.—Continued.

Number.	TITLE OF BY-LAW.	When passed.	Amount. of debt created.	To be borne by the City.	To be borne by the Rate- payers.	Period of Payment.	Rate of In- terest.
3105	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Abbs street, between Brookton road and its west end, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	\$ 42 03	\$ c	\$ 42 03 3 years ..	4%	
3106	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Pearson avenue, between Sorauren avenue and Roncesvalles avenue, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	413 59 .....	.....	413 59 3 years ..	4%
3107	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Union street, between Lansdowne avenue and Macdonnell avenue, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	39 44 .....	.....	39 44 3 years ..	4%
3108	To provide for borrowing an additional sum of money by the issue of Debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Duncan street, now Wright avenue, between Sorauren avenue and line between lots 16 and 17, in the Ward of St. Alban (now in Ward Number Six).	November 21st, 1892..	136 93 .....	.....	136 93 3 years ..	4%

56 V. 85, Sched. B.

57 Vict. c. 83 (Ont.)

An Act respecting the City of Toronto.

[Assented to 5th May, 1894.]

WHEREAS the corporation of the city of Toronto have, *Preamble.*
by their petition, prayed for special legislation to
confirm the various local improvement by-laws referred to
in schedule "A" hereto; and whereas no opposition has
been offered to the said petition; and whereas it is expe-
dient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. The by-laws of the corporation of the city of Toronto *By-laws*
specified in schedule "A" hereto, and all debentures issued *confirmed.*
or to be issued thereunder, and all assessments made or to
be made for the payment thereof, are hereby validated
and confirmed. 57 V. c. 83, s. 1.

SCHEDULE A.

LIST OF BY-LAWS providing for the issue of debentures passed by the council of the city of Toronto since December 31st, 1892, and also by-law No. 3069 passed on the 23rd day of May, 1892.

No.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Ratepayers.	Period of Payment.	Rate of Interest.
3069	To consolidate into an issue of \$299,954.01 four per cent. debentures, the city's proportion of the amounts raised in certain local improvement by-laws, as therein mentioned.	May 23rd 1892	\$ 299,954 01	\$ 299,954 01	\$	Various ..	4%
3125	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of \$35,291.50, to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1892 as local improvements.	April 10th, 1893	42,640 10	7,348 00	35,291 50	Various ..	4%
3129	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of \$1,500.84, to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1892 as local improvements.	April 24th, 1893	1,783 18	287 34	1,500 84	2 years ..	4%
3131	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carlton street, between Yonge street and Bleeker street, in wards numbers 2 and 3, for the construction of an Excelsior sidewalk on the north side of Carlton street.	April 24th, 1893	6,465 90	872 20	5,593 70	7 years ..	4%

DEBT AND DEBENTURES.

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3132	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carlton street, between Yonge street and Bleeker street, in wards numbers 2 and 3, for the construction of an Excelsior sidewalk on the north side of Carlton street.	April 24th, 1903.....	11,502 05	4,523 05	6,979 00 7 years....	4%
3133	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of College street, between Augusta avenue and Markham street, in wards numbers 4 and 5, for the construction of a 16 foot Excelsior sidewalk with stone curbing on the south side of College street.	April 24th, 1903.....	9,511 16	1,398 48	8,112 68 7 years....	4%
3134	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the east side of Church street, between Adelaide street and Queen street in ward number 3, for the construction of a twelve foot concrete sidewalk on the east side of Church street.	April 24th, 1903.....	3,167 08	502 63	2,664 45 7 years....	4%
3135	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of Queen street, between Yonge street and James street, in ward number 3, for the construction of a concrete cement sidewalk on the north side of Queen street.	April 24th, 1903.....	1,220 46	260 96	959 50 8 years....	4%
3136	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of Queen street, between Bathurst street and Palmerston avenue, in ward number 5, for the construction of a cement concrete sidewalk on the north side of Queen street.	April 24th, 1903.....	3,356 97	323 30	3,033 67 7 years....	4%

List of By-laws—(Continued).

No.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Ratepayers.	Period of Payment.	Rate & in
3146	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of \$80,374.12, to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the years 1891 and 1892 as local improvements, as amended by by-law number 3207.	May 8th, 1893.....	\$ 97,100 36	\$ 23,264 54	\$ 73,835 82	Various ..	4%
3147	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Adelaide street, between York street and Spadina avenue, for the construction of an asphalt roadway on Adelaide street, from York street to Spadina avenue, in wards numbers 3 and 4.	May 8th, 1893	\$ 56,143 74	\$ 12,867 64	\$ 43,276 10	148 years ...	4%
3148	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Devonshire place, between Hoskin avenue and Bloor street, for the construction of an asphalt roadway on Devonshire place, from Hoskin avenue to Bloor street, in ward number 4.	May 8th, 1893	\$ 12,019 06	\$ 1,204 81	\$ 10,814 25	1 year....	4%
3149	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Rose avenue, between Winchester street and Howard street, for the construction of an asphalt roadway on Rose avenue, from Winchester street to Howard street, in ward number 2.	May 8th, 1893	\$ 21,488 10	\$ 6,905 10	\$ 14,583 00	8 years ...	4%

3150	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Rose avenue, between Winchester street and Howard street, for the construction of an asphalt roadway on Rose avenue, from Winchester street to Howard street, in ward number 2.	May 8th, 1893.....	21,797 40	9,924 04	11,973 23 10 years...	4%
3151	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on St. James avenue, between Ontario street and Parliament street, for the construction of an asphalt roadway on St. James avenue from Ontario street to Parliament street, in ward number 2.	May 8th, 1893.....	4,649 32	991 85	3,857 47 7 years...	4%
3152	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Victoria street, between King street and Adelaide street, for the construction of an asphalt roadway on Victoria street, from King street to Adelaide street, in ward No. 3.	May 8th, 1893.....	5,900 15	1,706 49	4,302 66 8 years...	4%
3153	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Grace street, between Arthur street and College street, for the construction of a cedar block roadway on Grace street, between Arthur street and College street, in ward No. 5.	May 8th, 1893.....	5,920 29	1,236 99	4,583 30 10 years...	4%
3155	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on College street, between Augusta avenue and Markham street, for widening of cedar block roadway on College street, south side, from Augusta avenue to Markham street, in wards Nos. 4 and 5.	May 3rd, 1893.....	3,864 90	1,403 09	2,561 80 4 years...	4%

List of By-laws—Continued.

No.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of Payments.	Rate of Interest.
* 3157	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of \$46,329.24, to defray the ratepayers' share of the cost of certain sewers laid down in the years 1890, 1891 and 1892 as local improvements.	May 22nd, 1893	\$ 64,865 59	\$ 18,546 35	\$ 46,329 24	Various...	4%
3158	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Toronto street, between Adelaide street and terminus of stone sets on Toronto street, for the construction of an asphalt roadway on Toronto street, within the limits aforesaid, in ward No. 3.	May 22nd, 1893	3,371 00	2,371 00	1,000 00	5 years	4%
3159	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between King street and Hayter street, for the construction of an asphalt roadway on Yonge street, within the limits aforesaid, in ward No. 3.	May 22nd, 1893	33,718 78	2,866 56	30,852 00	10 years	4%
3160	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between Hayter street and Grenville street, for the construction of an asphalt roadway on Yonge street, within the limits aforesaid, in ward No. 3.	May 22nd, 1893	10,017 22	2,530 63	7,486 59	10 years	4%
3161	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between Grenville street and Bloor street, for the construction of an asphalt roadway on Yonge street, within the limits aforesaid, in ward No. 3.	May 22nd, 1893	26,043 21	1,905 21	24,138 00	10 years	4%

		May 22nd, 1893							
3161	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between Grenville street and Bloor street, for the construction of an asphalt roadway on Yonge street, within the limits aforesaid, in ward No. 3.	20,063 21	4,100 00						
3162	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Bismarck avenue between Gwynne street and east end of Bismarck avenue, for the construction of a cedar block roadway on Bismarck avenue, within the limits aforesaid, in ward No. 2.	1,587 18	226 23	1,360 95	5 years	4%			
3163	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Broadview avenue, between Withrow avenue and Danforth avenue, for the construction of a cedar block roadway on Broadview avenue, within the limits aforesaid, in ward No. 1.	450 00	.....	450 00	6 years	4%			
3164	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of College street, between Borden street and Palmerston avenue, for the widening of the cedar block roadway on the north side of College street, within the limits aforesaid, in wards Nos. 4 and 5.	2,323 74	371 51	1,951 23	4 years	4%			
3165	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane in rear of the Standard Bank, between Melinda street and Wellington street, extending from Jordan street westerly, for the construction of a Scott's roadway on said lane, within the limits aforesaid, in ward No. 3.	905 21	225 30	679 71	1 year	4%			
3166	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane between Yonge street and Victoria street, extending from Adelaide street to a point 105 feet 6 inches south, for the construction of a cobble-stone roadway on said lane, within the limits aforesaid, in ward No. 3.	235 71	74 29	161 42	5 years	4%			

List of By-laws—Continued.

No.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payments.	Rate of interest.
3167	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the first lane east of Spadina avenue between Grange avenue and St. Patrick street, for the construction of a cobble roadway on the said lane, within the limits aforesaid, in ward No. 4.	May 22nd, 1893	\$ 595 97	\$ 167 64	\$ 428 33 5	35 years ..	4%.
3168	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane between King and Pearl streets, extending from Pearl street south, thence west to near Simcoe street, for the construction of a cobble roadway on said lane, within the limits aforesaid, in ward No. 3.	May 22nd, 1893	1,161 47	94 34	1,067 13 5	35 years ..	4%.
3169	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a granolithic sidewalk on the north side of Queen street, between Beverley street and west limit of house No. 280, in ward No. 4.	May 22nd, 1893	726 99	188 74	538 25 6	35 years ..	4%.
3170	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Smith street, between Logan avenue and Carlaw avenue, for grading on Smith street, within the limits aforesaid, in ward No. 1.	May 22nd, 1893	1,020 60	1,020 60	10 years ..	4%.

DEBT AND DEBENTURES.

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		May 22nd, 1893	771 851	771 851 years ..	4%
3171	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Glendale avenue, between Garden avenue and Duncan street, for grading on Glendale avenue, within the limits aforesaid, in ward No. 1.	May 22nd, 1893	9,498 86	9,498 86 10 years ..	4%
3172	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Markham street, between Olive avenue and Vermont avenue, for the extension of Markham street, from Olive avenue to Vermont avenue, in ward No. 5.	May 22nd, 1893	10,308 44	10,308 44 5 years ..	4%
3173	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carleton avenue, between Ontario street and Parliament street, for the widening of Carleton avenue from a point 220 feet east of Ontario street to Parliament street, in ward No. 2.	May 22nd, 1893	5,294 66	5,294 66 5 years ..	4%
3174	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on both sides of Barton avenue, from Manning avenue to Christie street; both sides of Clinton street, from Barton avenue as extended to south limit of Pin's reserve; the west side of Manning avenue, from a point one hundred feet south of Barton avenue as extended to the south limit of St. Thomas avenue, produced easterly; the east side of Christie street, from a point one hundred feet south of Barton avenue, as extended to the south limit of St. Thomas avenue, produced easterly, for the extension of Barton avenue (formerly Colborne street) from Manning avenue to Christie street and also the extension of Christie street, from its present southerly terminus southerly to a connection with Barton avenue as extended, and also the extension of the lanes in rear of lots fronting on both sides of Clinton street, south, to a connection with Barton avenue, in ward No. 5.	May 22nd, 1893			

List of By-laws, etc.—Continued.

No.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
3178	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$21,500, for the purpose of providing funds for the paving of a portion of Gerrard street occupied by the track allowances of the Toronto Railway Company.	June 19th, 1893.....	\$ 21,500 00	\$ 21,500 00	\$ 0	10 years..	4%.
3182	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the west side of Dovercourt road, from the south side of lot No. 8, plan 315, to the north side of lot 27 on said plan; also on the east-side of Lisgar street, from the south limit of lot No. 9 on said plan, to the north side of lot No. 26, on said plan, for the extension of the lane between Dovercourt road and Lisgar street, leading from lane in rear of Argyle street, to Mackenzie crescent, in ward No. 6.	June 19th, 1893.....	338 77	.....	338 77	2 years..	4%.
3188	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$198,900, for the purpose of providing funds for the paving of portions of streets occupied by the track allowances of the Toronto Railway Company.	July 17th, 1893.....	198,900 00	198,900 00	.....	10 years..	4%.
3195	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$25,740, for the purpose of providing funds for paying for the balance of the actual cost of the paving of portions of streets occupied by the track allowances of the Toronto Railway Company beyond the sums provided for in by-laws Nos. 3078 and 3090.	August 14th, 1893.....	25,740 00	25,740 00	10 years..	4%.

DEBT AND DEBENTURES.

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3195	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$369,518.24, for the purpose of providing funds for the paving of portions of streets occupied by the track allowances of the Toronto Railway Company beyond the sums provided for in by-laws Nos. 3078 and 3090.	August 14th, 1893...	369,518 24	369,518 24	10 years...	4%.
3197	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$9,464, for the purpose of providing funds for the paving of portions of streets occupied by the track allowances of the Toronto Railway Company.	September 25th, 1893	9,464 00	9,464 00	10 years...	4%.
3199	To consolidate into thirteen several issues of four per cent. local improvement debentures, the broken amounts named in certain local improvement by-laws, as therein mentioned, to the amount of \$412,703.27.	October 23rd, 1893...	412,703 27	412,703 27	Various...	4%.
3200	To consolidate into an issue of \$111,966.51 four per cent. debentures, the city's proportion of the amounts named in certain local improvement by-laws, as therein mentioned.	October 23rd, 1893...	111,966 51	111,966 51	Various...	4%.
3207	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Woodlawn avenue, between Yonge street and Macdonald's fence, being the western terminus of the avenue, in ward No. 3.	January 12th, 1894..	5,831 12	5,831 12	8 years...	4%.

3. CONSOLIDATION OF CITY DEBT.

19 Vict. c. 5.

An Act to authorize the City of Toronto to negotiate a loan of one hundred thousand pounds to consolidate a part of the City debts.

[7th October, 1852.]

Effete.

22 Vict. c. 71.

An Act to authorize the City of Toronto to issue Debentures for redeeming some of their outstanding debentures, for which no sinking fund has been provided, and for other purposes.

[Assented to 4th May, 1859.]

Effete.

24 Vict. c. 54

An Act to enable the City of Toronto to issue Debentures for two hundred thousand dollars, and to consolidate the Public Debt of the City.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the council of the corporation of the city of Toronto, have, by their petition, prayed that power may be given them to issue debentures, to an amount not exceeding two hundred thousand dollars, for the purpose of meeting the floating liabilities of the city, and also, power to provide for the consolidation of the debenture debt of the city; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall and may be lawful for the said council to issue debentures under the seal of the said city of Toronto, to an amount not exceeding two hundred thousand dollars, provided such debentures are redeemable within ten years from the passing of this Act, by instalments of twenty thousand dollars annually, with the interest on the balance remaining due; but no one debenture shall be issued for a smaller amount than one hundred dollars. ^{Corporation may issue \$200,000 in debentures, etc.} ^{Proviso.}
24 V. c. 54, s. 1.

2. It shall and may be lawful for the said council to consolidate the debenture debt of the said city, by the issue of debentures to the amount of two million four hundred thousand dollars, payable at the end of forty years from the passing of this Act, and bearing such interest, payable half yearly, not exceeding six per cent. per annum, as can be agreed upon; such issue of debentures to be made for the redemption of all debentures outstanding at the passing of this Act, and for no other purpose whatsoever. ^{and \$2,400,000 in debentures for consolidating the City debt.} 24 V. c. 54, s. 2.

3. The debentures to be issued under the next preceding section of this Act, shall be made payable at such place or places, either in this Province or elsewhere, and in sterling or provincial currency, as the corporation shall deem proper, and shall in the by-law or by-laws direct. ^{Form, etc., of debentures.} 24 V. c. 54, s. 3.

4. The by-law or by-laws, authorizing the issue, shall provide for the raising of such a yearly special rate, as will be required to pay the yearly interest, and such a yearly instalment, or proportion of the principal sum, according to the number of years the debentures have to run, as (invested at compound interest) will be sufficient to pay off the principal sum when it falls due. ^{Special rate to be imposed for sinking fund.} 24 V. c. 54, s. 4.

5. The annual amount so raised by assessment shall, after the payment of the interest, be invested in such manner as the Governor in Council shall approve; but it shall at all times be lawful to apply any portion of the said investment in the purchase of the debentures authorized to be issued under this Act. ^{Investment of proceeds of such rate.} 24 V. c. 54, s. 5.

6. The debentures shall, when executed and completed, be deposited with the chamberlain, and the same and the proceeds thereof, shall be applied in the redemption of the debentures heretofore issued, by the city, and referred to in the second section of this Act, and for no other purpose whatsoever; and any member or officer of the corporation misapplying the new debentures, or applying the proceeds thereof for any other purpose than as provided for in the second section of this Act, shall be guilty of a misdemeanor, and be liable to be punished by fine and imprisonment. ^{Application of proceeds of debentures.} ^{Penalty for misapplication.} 24 V. c. 54, s. 6.

Exchange of debentures. 7. The corporation may, in the same or any other by-law or by-laws, authorize the exchange in this Province, or elsewhere, of the debentures of the city already issued, upon such terms as may be agreed upon between the corporation and the holders of such debentures; Provided always, that the new debentures be not negotiated or exchanged at a lower rate than par. 24 V. c. 54, s. 7.

Accounts to be rendered on oath. 8. The chamberlain, or his assistant or deputy, shall render a detailed account, in writing, under oath, to the council, once in every month in which any such debentures have been issued, stating, first, the numbers of debentures so issued; secondly, their respective amounts and dates; and, thirdly, the time when and to whom the same were respectively delivered; the oath may be made before a commissioner for taking affidavits in either of the superior courts of common law, or in the Court of Chancery at Toronto. 24 V. c. 54 s. 8.

How to be published. 9. The account so rendered shall be published in some public newspaper in Toronto, for one week next after the delivery of the account of the council. 24 V. c. 54, s. 9.

Public Act. 10. This Act shall be deemed a Public Act. 24 V. c. 54 s. 10.

35 Vict. c. 76 (Ont.)

An Act to consolidate the Debenture Debt of the City of Toronto.

[Assented to 2nd March, 1872.]

Preamble. WHEREAS, the corporation of the city of Toronto have, by their petition, represented that it would be conducive to the welfare and interest of the said city, as well as greatly facilitate their financial arrangements, to place the debenture debt of the city of Toronto on a more satisfactory basis; And whereas the debt of the city on the thirty-first day of December, one thousand eight hundred and seventy-one, as represented by debentures outstanding and in course of negotiation, for purposes which have received the sanction of the ratepayers, is two million nine hundred and fifty-three thousand and sixty-seven dollars and sixty-three cents; And whereas, it is deemed desirable to redeem, with a portion of the present sinking fund, city of Toronto debentures (as hereinafter stated), amounting to two hundred and thirty-one thous-

and one hundred and sixty-six dollars and sixty-seven cents, thus reducing the debt of the said city to two million seven hundred and twenty-one thousand nine hundred dollars and sixty-one cents; And whereas, the debentures issued for common school and local improvement purposes, amount to one hundred and sixty-nine thousand seven hundred and thirty-four dollars and eighty-five cents, which deducted from the former sum of two million seven hundred and twenty-one thousand nine hundred dollars and sixty-one cents, would leave a sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, which said sum becomes due and is payable as follows:

1872	\$13,670 00
1873	8,340 00
1874	20,200 00
1875	37,800 00
1876	537,217 76
1877	96,360 00
1878	323,973 34
1879	106,296 67
1880	200,838 34
1881	97,826 66
1882	42,520 00
1883	34,500 00
1884	63,266 67
1885	229,706 67
1889	400,000 00
1890	100,000 00
1891	239,650 00

\$2,552,166 11

And whereas it is desirable to issue, sell, or dispose of debentures to the amount of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, to enable them to redeem the aforesaid debentures which are now outstanding or in course of negotiation; And whereas, it is also desirable that the corporation of the city of Toronto, should be empowered to establish a sinking fund upon the terms in this Act contained, for the redemption of such new debentures, and to apply the present sinking funds as hereinafter stated; And whereas it is expedient so to grant:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of Toronto, may from time to time, pass a by-law or by-laws, under the terms and conditions hereinafter provided, for authorizing the

The corporation of Toronto may issue debentures

for \$2,552,-
166.11.

issue of debentures of the said city, to an amount not exceeding in the whole the sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, or raising by way of loan upon the credit of such debentures from any person or persons, body or bodies, politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, of lawful money of Canada, to redeem the debentures in the preamble to this Act mentioned. 35 V. c. 76, s. 1.

Nature of de-
bentures to be
issued.

2. The debentures so to be issued, shall be debentures of the corporation of the city of Toronto, and such of the said debentures as may be required to be issued from time to time, in order to redeem debentures falling due, and may be issued in the year preceding the maturing of the said last mentioned debentures; and the said debentures shall be payable within twenty-one years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, or the United States of America; and such debentures shall be in sums of not less than one hundred dollars Canadian currency, or twenty pounds sterling. 35 V. c. 76 s. 2.

Form of de-
benture.

3. The said debentures shall be under the common seal of the said city, and signed by the mayor and countersigned by the chamberlain of the said city, and may be in form "A" in the schedule to this Act, or as near thereto as the corporation may find convenient according to the places where and the money in which the same are made payable. 35 V. c. 76, s. 3.

Coupons for
payment of
interest.

4. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at the rate of five, six, or seven per centum per annum. 35 V. c. 76, s. 4.

Debentures
and moneys
arising there-
from how to
be applied.

5. The said debentures and any and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the city of Toronto, mentioned in the preamble to this Act, and in no other manner and for no other purpose whatsoever. 35 V. c. 76 s. 5.

Rate for pay-
ment of inter-
est.

6. For the payment of the interest on the said debentures, there shall be annually raised, levied, and collected

by the said corporation, upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by the debentures issued by the said corporation, under the authority of this Act, whether or not they or any of them have been redeemed with sinking fund moneys by the said corporation before maturity, until the said principal and interest shall have become due and is fully paid and satisfied. 35 V. c. 76, s. 6.

7. From and after the first day of April, one thousand eight hundred and seventy-two, until the first day of April, one thousand nine hundred and twelve, inclusive, it shall be incumbent on the said corporation, in addition to the interest, to provide yearly the sum of twenty-five thousand and five hundred and twenty-one dollars and sixty-six cents, until the debentures issued under the authority of this Act, are fully paid or satisfied, as and towards a general sinking fund of one per cent. for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose in addition to the other rate or rates from time to time imposed under this Act. 35 V. c. 76, s. 7.

8. The said Corporation shall have power to appropriate the sum of two hundred and thirty-one thousand one hundred and sixty-six dollars and sixty-seven cents of the amount now standing on the books of the said corporation to the credit of the sinking fund in the redemption of the outstanding consolidated loan debentures, (issued in the year one thousand eight hundred and fifty-two), and which maturing on the first day of October, in the year one thousand eight hundred and seventy-two, and the said corporation shall have power to carry the balance then remaining to the credit of the present sinking fund accounts to the credit of the new sinking fund account established by this Act for the redemption of the principal of the debentures to be issued hereunder. 35 V. c. 76, s. 8.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the outstanding debentures of the said city, authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act; and no such moneys of the sinking fund created by this Act shall be invested in securities other than the said debentures, without the sanction of the Lieutenant-Governor in Council. 35 V. c. 76, s. 9.

10. All discounts on debentures purchased by the said corporation as a sinking fund investment shall be placed to the credit of the sinking fund.

of the new sinking fund. to the credit of the sinking fund account; and should the said corporation redeem any of its outstanding debentures as in the last section mentioned, before maturity, the corporation shall nevertheless continue to provide the interest on all its unmatured debentures, and the interest on such debentures as may be held by the corporation on account of the sinking fund, shall be, as the said interest matures, placed to the credit of the said sinking fund account. 35 V. c. 76, s. 10.

Sinking fund rate to be paid out of the first moneys paid annually to the city. 11. The said sinking fund rate or annual sum of twenty-five thousand five hundred and twenty-one dollars and sixty-six cents, shall be placed to the credit of the sinking fund by the chamberlain of the said city out of the first moneys paid to the chamberlain in each year by the collectors of taxes or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the said corporation or chamberlain for any other purpose than those authorized by this Act. 35 V. c. 76, s. 11.

Expenses of negotiation of the debentures. 12. All expenses attending the sale or negotiation of the debentures issued under this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the said city in such year in which the said debentures to be redeemed mature. 35 V. c. 76, s. 12.

By-laws need not be assented to by electors. 13. The by-law or by-laws of the said corporation passed under the authority of this Act, shall not require the assent of the electors of the said city, before the final passing thereof. 35 V. c. 76, s. 13.

Irregularity in debentures or by-laws not to invalidate them. 14. No irregularity in form of the said debentures or of the by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof. 35 V. c. 76, s. 14.

SCHEDULE.

Form "A."

CONSOLIDATED LOAN DEBENTURE.

No. Province of Ontario. £ Stg.
City of Toronto.

Under and by virtue of the Act passed in the 35th year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of by-law No. of the Cor-

poration of the city of Toronto, passed under the powers contained in the said Act;

The corporation of the city of Toronto, promise to pay the bearer at _____, in _____ the sum of _____ pounds sterling, on the _____ day of _____, A.D., and the half-yearly coupons hereto attached, as the same, shall severally become due.

[L.S.]

A.B.
Mayor.

35 V. c. 76 Sched.

C.D.
Chamberlain.

42 Vict. c. 75 (Ont.)

An Act respecting the debenture debt and certain property of the City of Toronto

[Assented to 11th March, 1879.]

WHEREAS the corporation of the city of Toronto *Preamble.* with the consent of the citizens, have, by their petition, set forth that the rapid growth and progress of the city during the last few years, and the extensive public improvements effected in connection with the same, particularly in the matters of water supply, fire alarms, aid to railways and other public works contributing to the same have caused a corresponding expansion of the debenture debt, and that it will be conducive to the welfare and interests of the city as well as greatly facilitate its financial arrangements, to place the said debenture debt on a more satisfactory basis by a re-consolidation of the same; that the said debenture debt on the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-eight (exclusive of that portion applicable to local improvements), as represented by debentures outstanding and in course of negotiation, is five million, nine hundred and seventy-seven thousand, four hundred and fifteen dollars and twenty-seven cents; that it is desirable to redeem with a portion of the sinking fund (also exclusive of that portion of said sinking fund applicable to local improvements) debentures, amounting to five hundred and thirty-six thousand, three hundred and sixty-three dollars and ninety-nine cents, thus reducing the said general debenture debt to five million four hundred and forty-one thousand and fifty-one dollars and twenty-eight cents; any residue of sinking fund to be applied to the redemption of other debentures as outstand-

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of the Cor-

ing; that it is expedient that certain expenditures made in the year of our Lord one thousand eight hundred and seventy-eight, in the light of permanent improvements, amounting to three hundred and fifty-nine thousand, three hundred and fifty-four dollars and fifty-seven cents, should be added to the said debt by an issue of debentures, which will bring the total of the said general debt sought to be re-consolidated to the sum of five million eight hundred thousand four hundred and five dollars and eighty-five cents; which will mature and become due and be payable as follows:

1880	.....	\$201,033 32
1881	.....	153,793 34
1882	.....	101,406 66
1883	.....	34,500 00
1884	.....	63,266 64
1885	.....	229,706 93
1886	.....	40,200 00
1888	.....	43,000 00
1889	.....	400,000 00
1890	.....	100,000 00
1891	.....	132,000 00
1892	.....	109,400 00
1893	.....	41,000 00
1894	.....	119,000 00
1895	.....	322,159 99
1896	.....	550,117 76
1897	.....	1,112,033 32
1898	.....	186,526 66
1904	.....	600,060 00
1906	.....	899,846 66
Total as above.....		\$5,441,051 28
Add as above		359,354 57
		<hr/>
		\$5,800,405 85

That the present charges on the said debt, in providing annually the excessive rates of interest and sinking fund, at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that a re-arrangement of the debt can be advantageously effected, and issues to replace those outstanding readily negotiated at greatly reduced annual rates; that it is further desired to place certain limitations, to the future maximum of issue of the said general debenture debt, by way of an additional guarantee to the public creditor; that to enable the issue of debentures to be hereafter made, to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions placed by statute on debentures issued for school purposes,

and that it is desired to negotiate the debentures to be issued under the proposed re-consolidation at long dates extending to forty years; and whereas the said corporation have by their said petition asked for power to sell certain of the lands comprised in certain letters-patent bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of Toronto may, from time to time, and as occasion may require, or opportunity offers, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole six millions of dollars, or raising by way of loan upon the credit of such debentures, from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of six millions of dollars of lawful money of Canada. 42 V. c. 75 s. 1.

2. The debentures so to be issued shall be known and designated as the "Toronto General Consolidated Debentures," and the said debentures and all moneys arising therefrom shall be applied to redeem, as occasion may offer, and as the council of the said corporation from time to time may deem expedient, the outstanding debentures in the preamble to this Act mentioned, and to pay off and extinguish the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents for permanent improvements, also in said preamble mentioned, any balance or residue thereof not required for the purposes aforesaid may be applied or expended in improvements of like nature, not being street or like improvements, the whole issue of said debentures authorized to be issued by this Act, being nevertheless limited to the said sum of six millions of dollars, subject to extension only as hereafter mentioned; and it is hereby further enacted that the Toronto water works and the lands required for the purposes thereof, and every matter and thing therewith connected, and also the several public markets and buildings, fire and police stations, fire alarm telegraphs, the several public buildings and lands connected therewith, together with all the real estate belonging to the said corporation estimated to be of about the value of five millions of dollars, save and except the property on the esplanade known as the old pumping engine lot, the lands situate on the south side of Bloor street, the lands on the north side of St. Patrick street, and the east side of

Issue of debentures by corporation.

Designation and application of debentures.

Outstanding debentures a charge on certain property.

Huron street, and the lands known as the Clover Hill reservoir, being parts of the Furniss estate acquired by the said corporation, and also the property situate on the south side of Cecil street and known as the Bowes property, acquired by the said corporation; and also the lands mentioned in the eighteenth section of this Act, and the other lands mentioned in the letters patent, bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, together with that other portion of the lands known as ordnance lands recently acquired by the said corporation and being enclosed in the old Exhibition Park; and also save and except the income derived from all city property, until default shall have been made either in payment of interest or principal of any of the said outstanding debentures; shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated as security for the payment of all and singular the said outstanding debentures, and all and each and every of the holders of the said outstanding debentures above mentioned shall have a preferential lien, pledge, mortgage, hypothec, or privilege on the said lands, water works, and property appertaining thereto, and all the said several other properties belonging to the said corporation, except as aforesaid, for securing the payment of the said debentures and the interest thereon: Provided that nothing in this Act contained shall be deemed or construed to affect or discharge any special lien or charge heretofore created by any Act of Parliament in favour of the holders of any of the outstanding debentures in the preamble to this bill mentioned upon any portion of the lands and property of the said corporation, or the income derived therefrom until said last mentioned debentures shall have been redeemed, purchased or otherwise acquired by the said corporation as provided by this Act: Provided always that it shall be lawful for the said corporation, and they are hereby authorized, notwithstanding the pledge or lien as aforesaid, to sell and convey to any purchaser or purchasers, any of the said lands and properties freed and discharged by such sale and conveyance of the said lien or charge, and to exchange the same or any part thereof for other lands and property, and such lands and property so given in exchange shall be freed and discharged from such lien or charge, and the lands and property acquired in lieu thereof shall be charged as herein mentioned, and the proceeds of any such sale shall be applied and used only or held in trust for the redemption or payment of the said outstanding debentures in the preamble to this Act mentioned until the same are fully redeemed or paid. 42 V. c. 75, s. 2.

Proviso.

Proviso.

Manner of
issuing de-
bentures.

3. The said debentures, so to be issued, shall be the debentures of the corporation of the city of Toronto, and may be issued from time to time, as occasion may require,

and as the council of said corporation may think fit, and in such amounts as the said council may find expedient to secure advantageous sales, and the said debentures shall be payable within forty years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada or the United States of America, and such debentures shall be in sums of not less than one hundred dollars currency, or twenty pounds sterling. 42 V. c. 75 s. 3.

4. The said debentures shall be under the common seal of the said city, and signed by the mayor and countersigned by the city treasurer of the said city, and may be in the form A in the schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable. 42 V. c. 75, s. 4.

5. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first day of the month of January and July in each and every year, at the places mentioned therein, and in coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per centum per annum. 42 V. c. 75, s. 5.

6. For the payment of the interest on the said debentures hereby authorized to be issued, there shall be annually raised, levied, and collected by the said corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by debentures issued by the said corporation and now outstanding, or debentures issued under the authority of this Act to redeem the same, until the principal and interest of all the said debentures have become due and are fully paid and satisfied, provided that on any such outstanding debentures purchased before the maturity thereof by the said corporation as an investment under this Act of sinking fund moneys the interest to be so raised shall not exceed five per cent. per annum, anything expressed in the said debentures so purchased or the coupons attached to the same to the contrary notwithstanding. 42 V. c. 75, s. 6.

7. From and after the first day of July, one thousand eight hundred and seventy-nine, until the first day of July, one thousand nine hundred and nineteen, inclusive, it shall be incumbent on the said corporation, in addition to the

said interest, to provide yearly until the debentures now outstanding as aforesaid, and the renewals thereof and the debentures issued under the authority of this Act are fully paid or satisfied, such sum as shall be sufficient to represent and provide a sinking fund of and at the rate of three quarters of one per cent., for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act. 42 V. c. 75, s. 7.

Interest of
sinking
fund

8. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the outstanding debentures of the said city authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the sinking fund created by this Act shall be invested in securities other than the said debentures without the sanction of the Lieutenant-Governor in Council. 42 V. c. 75, s. 8.

Discount on
debentures
for sinking
fund, and
interest there-
on to be cre-
dited to fund.

9. All discounts on debentures purchased by the said corporation as a sinking fund investment shall be placed to the credit of the sinking fund account, and should the corporation redeem any of its outstanding debentures as in the last section mentioned, before maturity, the corporation shall nevertheless continue to provide the interest on all its unmatured debentures; and the interest on such debentures as may be held by the corporation on account of the sinking fund, shall be, as the said interest matures, but at a rate not to exceed five per cent. per annum, as in section six provided, placed to the credit of the said sinking fund account. 42 V. c. 75, s. 9.

Sinking fund
moneys a first
charge on
taxes of each
year.

10. The said sinking fund rate, or annual sum to be provided as aforesaid, shall be placed at the credit of the sinking fund by the city treasurer of the said city, out of the first money paid to the treasurer in each year by the collectors of taxes, or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the said corporation or treasurer for any other purpose or purposes than those authorized by this Act. 42 V. c. 75, s. 10.

Council may
remit part of
rate for 1878.

11. It shall and may be lawful for the council of the corporation of the city of Toronto, by by-law to be passed for that purpose, to remit and refund the sum of two hundred and ninety-four thousand three hundred and fifty-four dollars and fifty-seven cents, being the equivalent of six mills of the general taxation of the said city of Toronto for the year one thousand eight hundred and

seventy-eight, to the ratepayers of the said city. 42 V. c. 75, s. 11

12. The said corporation shall have power to appropriate the said sum of five hundred and thirty-six thousand three hundred and sixty-three dollars and ninety-nine cents now standing on the books of the said corporation, to the credit of the sinking fund, in the redemption of outstanding debentures of the said city, as in the preamble to this Act mentioned, and any residue in the redemption of other debentures so outstanding. 42 V. c. 75, s. 12.

13. All expenses attending the sale or negotiation of the debentures, issued under the authority of this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the city in any year in which the said debentures are issued, or the debentures to be redeemed mature, or are otherwise procured for redemption. 42 V. c. 75, s. 13.

14. The by-law or by-laws of the said corporation, passed under the authority of this Act, for authorizing renewal issues to redeem all or any of the said outstanding debentures, or for paying the said sum of three hundred and fifty-nine thousand three hundred and fifty-four dollars and fifty-seven cents in the preamble to this Act mentioned, shall not require the assent of the electors of the said city before the final passing thereof; but by-laws other than those above specified, if requiring by the Municipal Act the assent of the electors, shall be duly submitted for the same under, and as required by, such of the provisions of the said Municipal Act as relate to any such by-law. 42 V. c. 75, s. 14.

15. No irregularity in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 42 V. c. 75, s. 15.

16. The amount of the general debenture debt of the said city of Toronto is hereby limited to the sum of six millions of dollars, being the amount authorized by this Act, and there shall be no increase thereof until the total amount of assessable or ratable property of the said city, as the same shall appear by the assessment rolls in any year when finally revised and confirmed, exceeds the sum of fifty millions of dollars, and thereafter the increase of the general city debenture debt, shall be limited to eight per centum of such excess of ratable or assessable property

over the said sum of fifty millions as shown by such assessment rolls as aforesaid, but there shall be no increase of such debenture debt beyond said sum of six millions of dollars, unless the by-law relating thereto or creating the same shall first be duly submitted to the electors for their assent under and subject to the same provisions in that behalf as are specially mentioned in section fourteen. 42 V. c. 75, s. 17.

Date of payment of debentures.

17. Any debentures hereafter issued by the said corporation of the city of Toronto, under the provisions of the last preceding section, or under any other statutory authority whether for general city purpose or for school purposes may, notwithstanding anything in the Municipal Act, or the Public Schools Act contained, be issued and made payable at any time within forty years from the day of the date of the respective issues thereof. 42 V. c. 75, s. 16.

* * * * *

19. This Act may be known and cited as "The City of Toronto Consolidation Debenture Act, 1879." 42 V. c. 75, s. 19.

SCHEDULE.

FORM A.

(Section 4)

TORONTO GENERAL CONSOLIDATED DEBENTURE.

(Issued under "The City of Toronto Consolidation Debenture Act, 1879.")

No.	Province of Ontario, City of Toronto.	£	sterling.
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Under and by virtue of "The City of Toronto Consolidation Debenture Act, 1879," being an Act passed in the forty-second year of the reign of Her Majesty Queen Victoria and chaptered , and by virtue of By-law No. of the corporation of the city of Toronto, passed under the powers contained in the said Act.

The corporation of the city of Toronto promise to pay the bearer or in the sum of £ sterling on the day of A.D. , and the half yearly

coupons thereto attached as the same shall severally become due.

[L.S.]

A. B.,
Mayor

42 V. c. 75. Sched.

C. D.,
City Treasurer.

52 Vict. c. 74 (Ont.)

An Act respecting the consolidation of the Debenture Debt of the City of Toronto.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the city of Toronto ^{Preamble.} have, by their petition, set forth that the rapid growth and progress of the city during the last ten years, and the extensive public improvements effected in connection with the same, particularly in the matters of water supply, fire alarms, construction of sewers, the enlargement of the gaol and markets, providing a site for a combined court house and city hall, and also a site for a drill shed, for the erection of the said court house and city hall, and of additional exhibition buildings, the construction of the island breakwater, the straightening and improvement of the Don river, the purchase of school sites, and the erection of public and high schools, the establishment of a free public library, the enlargement and improvement of public parks, the construction of permanent roadways, bridges, and sewers, and other public works rendered necessary in consequence of the rapid expansion of the city, have caused a corresponding expansion of the general debenture debt, and that it will be conducive to the welfare and best interests of the city, and will greatly facilitate its financial arrangements, to place the said debt on a more satisfactory basis by a re-consolidation of the same, at a rate of interest not exceeding three and one-half per cent. per annum; that the said debenture debt on the thirty-first day of December, 1888 (exclusive of that portion thereof applicable to local improvements), as represented by debentures outstanding and in course of negotiation, was \$8,810,967.85; that it is desirable to redeem with the accumulated sinking fund, debentures amounting to \$531,103.23, thus reducing the said general debenture debt to \$8,279,864.62, any residue of the sinking fund on hand to be applied towards the redemption of the said debentures now outstanding; that in addition to the above, debentures have been authorized and issued for the following amounts and purposes:

DEBT AND DEBENTURES.

Water Works	\$149,995 53
Public Parks	74,095 33
Public and High Schools	147,771 47
General Permanent Improve- ments	232,276 27

Issued and hypothecated. \$605,038 60

Court House	\$750,000 00
Garrison Creek Sewer	50,000 00
Rosedale Creek Sewer	125,000 00
King Street Subway	100,000 00
Schools	8,000 00

Authorized but not yet issued.....\$1,033,000 00

\$1,638,038 60

Add outstanding debentures as above.. 8,279,864 62

Making total authorized debentures .. \$9,917,903 22

That the said outstanding debt of \$8,810,967.85 will
mature as follows.

1889	\$ 401,300 00
1890	106,000 00
1891	132,000 00
1892	109,400 00
1893	41,000 00
1894	208,034 44
1895	367,159 99
1896	627,941 76
1897	1,163,161 41
1898	159,608 66
1899	152,506 01
1901	4,650 00
1902	4,000 00
1904	639,888 79
1906	923,680 66
1907	20,546 62
1909	124,846 15
1919	733,237 06
1920	22,036 26
1921	233,618 60
1922	239,527 59
1923	178,450 93
1924	223,238 85
1925	864,003 67
1926	294,200 00
1928	836,930 40

\$8,810,967 85

all of which now bears interest at rates varying from four to six per cent. per annum; that the present charges on the said debt, in providing annually the interest and sinking fund, at the rates at which the debentures have been from time to time issued, form an item in the annual estimates which is oppressive and burdensome, and that, owing to the reduction in the rate of interest and the improved credit of the city, a re-arrangement of the said debt can be advantageously effected; that it is further desirable to increase the maximum of the limit of the city's borrowing power to twelve and one-half per cent. of the first \$100,000,000 of the assessed value of the ratable property of the city; and eight per cent. of the assessed value of said property beyond said limit; that to enable the issue of debentures to be hereafter made to be of uniform date as to maturity, it is desired that the city may be relieved from the restrictions imposed by statute on debentures issued for general city, school, and water works purposes; that it is desirable to issue the debentures to be issued under this Act at long dates, extending to forty years; that it is desirable that all future issues of debentures covering the city's share of the cost of local improvement, works and services should be merged into and form part of the Local Improvement Debenture Debt of the city; that the city should be authorized to substitute an equivalent value of the new consolidated debentures to be issued under this Act for certain debentures now issued or authorized, but not yet sold, and to provide that in determining the limit of the city's borrowing powers, the amount of the debt incurred for water works purposes shall not be counted as part of the general city debt; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of Toronto may, from time to time pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole twelve and one-half per centum of the assessed value of the whole of the ratable property in the city up to the first one hundred millions thereof, and eight per cent. of the assessed value of said property beyond said sum of one hundred millions as established and shown, from time to time, by the last revised assessment rolls of the said city. 52 V. c. 74, s. 1.

2. The said debentures to be issued under the authority of this Act and all moneys arising therefrom, may be applied to redeem, as occasion may offer, the debentures

Limit of borrowing powers.

Application of debentures.

already issued as in the preamble mentioned, and for this purpose debentures may be issued to provide for the redemption of debentures not yet due, and the debentures to be issued under this Act, and all moneys arising therefrom may be substituted for an equivalent value of the debentures already authorized but not yet issued, as in said preamble mentioned; but nothing herein contained shall be construed as giving any authority to pay off or redeem outstanding debentures before maturity without the consent of the holders thereof. 52 V. c. 74, s. 2.

Designation
and terms of
payment of
debentures.

3. The said debentures, so to be issued, may be styled "City of Toronto General Consolidated Loan Debentures," and may be issued from time to time, as occasion may require, and in such amounts as may be found expedient to secure advantageous sales, and the said debentures may be made payable at any place in Canada, Great Britain, the United States of America, or elsewhere, and may be in sterling money of Great Britain or currency of Canada or in the United States of America, and such debentures shall be in sums of not less than \$100 currency or £20 sterling. 52 V. c. 74, s. 3.

Form of
debentures.

4. The said debentures may be in the form shewn in Schedule A to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which, the same are made payable. 52 V. c. 74 s. 4.

Interest.

5. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first days of the months of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures to be issued under this Act shall bear interest at a rate not exceeding three and a half per centum per annum. 52 V. c. 74, s. 5.

Rate for pay-
ment of
interest.

6. For the payment of the debt and interest represented by said debentures to be issued under the authority of this Act, there shall be annually raised, levied, and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation as appearing by the last revised assessment roll thereof. 52 V. c. 74, s. 6.

Application
of sinking
fund.

7. The debentures amounting to \$531,103.23, purchased and now held by the corporation as an investment of sinking fund moneys as in the preamble to this Act men-

8. The by-law or by-laws of the said corporation, passed under the authority of this Act, for the issue or issues of the said "City of Toronto General Consolidated Loan Debentures," or for the redemption of any of the outstanding or authorized debentures in the preamble to this Act mentioned, or for the substitution thereof of debentures to an equivalent value, shall not require the assent of the electors of the said city before the final passing thereof; but by-laws other than those above specified, if they require under *The Municipal Act* the assent of the electors, shall be duly submitted for the same under and as required by the provisions of the said *Municipal Act*. 52 V. c. 74, s. 8.

9. No irregularity in the form of the said debentures, or of the by-laws authorizing any issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest on any or either of them, or any part thereof. 52 V. c. 74, s. 9.

12. In determining the limit of the city's borrowing powers under this Act, the amount of the debt incurred for water works purposes, being a revenue producing investment, shall not be counted as part of the general debenture debt. 52 V. c. 74, s. 12.

13. This Act may be known and cited as "*The City of Short title.*
Toronto Debt Consolidation Act, 1889." 52 V. c. 74, s. 13.

(Section 4.)

**CITY OF TORONTO GENERAL CONSOLIDATED LOAN
DEBENTURE.**

(Issued under "The City of Toronto Debt Consolidation Act, 1889.")

No.	Province of Ontario, City of Toronto.	£	sterling.
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Under and by virtue of "The City of Toronto Debt Consolidation Act, 1889," being an Act passed in the fifty-

second year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of By-law No. of the corporation of the city of Toronto, passed under the powers contained in the said Act ;

The corporation of the city of Toronto promises to pay to the bearer or in the sum of £ sterling (or as the case may be), on the day of A.D. , and the half yearly coupons hereto attached as the same shall severally become due.

[L.S.]

A. B.
Mayor.
C. D.

City Treasurer.

52 V, c. 74, Sched.

4. CORPORATION STOCK.

46 Vict. c. 44 (Ont.)

An Act to empower the City of Toronto to institute an issue of Corporation Stock.

[Assented to 1st February, 1883.]

Preamble.

WHEREAS the city of Toronto have, by their petition, represented that it will be to the advantage as well of the said city as of parties with whom the said city may hereafter have dealings in the way of raising money on loan for civic purposes, if an alternative power be conferred on the said city, in addition to the power now existing as to the issue of debentures, to institute the issue of a corporation stock to be styled "The Registered Stock of the City of Toronto"; that such power will remove difficulties on the part of parties holding debentures, and especially of parties holding the same as permanent investments, as to the safe custody of the same; that it will simplify the dealings of said parties with the city in the matter of receiving periodically interest on loans, and generally facilitate the negotiation of corporation loans, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Issue of
registered
stock author-
ized.

1. From and after the passing of this Act and subject to the provisions thereof, it shall be lawful for the city of Toronto to institute an issue of stock to be styled "The

Registered Stock of the City of Toronto," to be subscribed for in shares of one hundred dollars currency, or twenty-five pounds sterling, or broken parts of the same, as the same may be required to represent a loan subscribed for in currency or sterling, as the case may be. 46 V. c. 44, s. 1.

2. The said stock may be issued at the option of a party tendering for a corporation loan, in lieu of debentures authorized to be issued for such loan by any by-law or Act of Parliament in that behalf, and the security for the loan in case of the party electing to take stock shall be effected by registration as hereinafter mentioned, and the delivery of a certificate under the seal of the corporation, which shall in all respects be as full and binding a liability on the city as the issue of a debenture or debentures, save that the certificate shall state the party to whom it is issued to be the holder of such an amount of stock as represents the aggregate of the loan, and on which the city shall be liable to pay interest semi-annually, by the cheque of the treasurer to the said party or to his duly authorized attorney or agent in that behalf. 46 V. c. 44, s. 2.

3. The said stock shall to all intents and purposes be regarded as a negotiable or transferable security in like manner as debentures are transferable, save that the transfer shall not be by delivery but by re-registration in the stock books of the corporation. 46 V. c. 44, s. 3.

4. For the purposes of carrying out the provisions in the preceding sections contained, the said corporation shall open and keep the following registers and special books of account in connection therewith:

A Stock Ledger: In which shall be entered (1) The total amount of stock issuable under the provisions of the by-law authorizing the same; (2) the rate of interest authorized to be paid on the same; (3) the name or names of the original party or parties subscribing for and taking up the same; (4) the transfers which may be made of the same from time to time from one holder to another, so that the result shall be to exhibit at all times the total amount of such stock as held either by one or several holders of the same as the case may be.

A Transfer Register: To be signed as well by the transferor as by the transferee, and from which the changes of ownership shall be posted to the stock ledger, and any transfer shall be only considered *ad interim* and shall in no case be posted in the stock ledger until duly signed by both the parties thereto.

An Interest Register: In which shall be set forth semi-annually an exact statement of the then holders of the

said stock, and opposite to the name of each holder the amount of the semi-annual interest to which he is entitled, and cheques shall be prepared and made payable to the order of the parties so set forth as owners, who shall on receiving the same, duly sign an acknowledgment for the same as a full acquittance of the liability of the corporation for such semi-annual interest. 46 V. c. 44, s. 4.

Appointment
of agent in
Great Britain
authorized.

5. The said corporation may by by-law appoint an agent in Great Britain, if necessary, to act as the deputy of the treasurer of said corporation with respect to the registrations and transfers of stock under this Act. 46 V. c. 44, s. 5.

Option as to
issue of stock
or debentures.

6. The power to issue corporation stock in manner hereinbefore mentioned, shall be only exercised as an alternative power, and shall in no way interfere with the power to issue debentures, and there shall be but one increase of the debt of the city heretofore called the debenture debt, (and which shall hereafter include issues of such stock) by the issue of either debentures or stock at the option of a party tendering for a corporation loan. 46 V. c. 44, s. 6.

Returns as to
indebtedness
to specify
amount of
stock and
debentures.

7. In all returns shewing the indebtedness of the city, after the provisions of this Act have gone into effect, the gross indebtedness shall be set forth as consisting of so much of stock and so much of debentures, as the case may be. 46 V. c. 44, s. 7.

Limitation as
to city debt
contained in
42 V. c. 75,
and as to sub-
mitting by-
laws to elec-
tors not
affected.

8. The limitation of the debt of the city, and the circumstances under which only such limitation shall be exceeded under the Act passed in the forty-second year of Her Majesty's reign, chaptered seventy-five, intituled *An Act respecting the debenture debt and certain property of the city of Toronto*, shall be in no wise affected by this Act, nor shall it interfere in anywise with the requirements for submitting to the proper vote a by-law requiring such submission under the municipal or any other Act in that behalf, it being the sole object of this Act to give the alternative power of issuing debentures or stock as aforesaid in giving effect to a by-law duly passed. 46 V. c. 44, s. 8.

Provisions as
to sinking
fund.

9. All moneys required to be raised for sinking fund purposes shall continue to be raised and shall be applicable to the retirement of either stock or debentures on the maturity of either of the same in the due course of such maturity. 46 V. c. 44, s. 9.

5. PERMANENT IMPROVEMENTS.

(a) Drainage. (t)

49 Vict. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

* * * *

23.—(1) Notwithstanding anything in *The Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act relating to the said city of Toronto and the debenture debt thereof, to the contrary, it shall and may be lawful, subject as hereinafter provided, for the council of the corporation of the city of Toronto to pass all such by-laws as may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the city of Toronto; such debentures to be made payable within forty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the purpose of carrying out a complete system of drainage, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the city of Toronto; Provided that before passing any such by-law or undertaking such work, a system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council, and provided also that the question of undertaking the construction of such system of drainage and the necessary works connected therewith at the estimated costs thereof shall be submitted to and approved of by the vote of the majority of the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing, from time to time the sum of money authorized by the ratepayers to carry on and complete the said improvement and works to the vote of the electors.

Authority to
borrow
\$1,500,000 for
drainage
purposes.

(2) Debentures issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, (u) whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment.

(t) As to assessment under Drainage By-law No. 285 of the town of Parkdale. Sec. 51, V. c. 54, s. 7 (Ont.).

(u) See p. 102.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purposes than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof. 49 V. c. 66, s. 23.

(b) Parks.

50 Vict. c. 71 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

* * * * *

Powers.

1. The council of the corporation of the city of Toronto may pass by-laws for the following, amongst other purposes, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any amending Act, or in any special or private Act relating to the said city of Toronto contained to the contrary.

* * * * *

Borrowing
money for
park purposes

2. For borrowing moneys not to exceed the sum of \$100,000 for improving the city parks and for park purposes by the issue and sale of debentures upon the credit of the city at large and also for charging the usual interest and sinking fund required for moneys so borrowed as a first lien upon the income belonging to the "Walks and Garden Fund." But any by-law passed for this purpose shall require the assent of the electors entitled to vote on money by-laws before the final passing thereof. 50 V. c. 71, s. 1 (2).

* * * * *

(c) Subways and Bridges.

46 Vict. c. 45 (Ont.)

An Act respecting the City of Toronto and the Village of Parkdale.

[Assented to 1st February, 1883.]

WHEREAS the city of Toronto and the village of Parkdale, by the petition of their respective councils, have represented that it is desirable and necessary for the preservation of life and property to make provision for the construction and maintenance of sub-ways or bridges and approaches thereto, in and upon the public streets and highways in the city of Toronto and village of Parkdale at the points where the said streets are crossed by the tracks of the several lines of railway running into the city of Toronto; and whereas there is imperative public necessity for the early construction of the said proposed sub-ways or bridges and approaches thereto; and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the council of the corporation of the city of Toronto and the council of the village of Parkdale, jointly or separately, and for the several railway companies, whose tracks do now, or at any time hereafter may cross any of the public streets and highways within the limits of the city of Toronto and village of Parkdale, jointly or separately, and each with the other, or any of them, and with the said councils, or either of them, to enter into any and all such contracts, engagements, agreements and covenants for the construction, erection and future maintenance of all such sub-ways under or bridges over the said railway tracks where the same cross the said streets or any of them, together with such approaches and other works connected therewith as they may deem necessary for the safety and protection of the persons and property of all parties concerned. 46 V. c. 45, s. 1.

2. It shall and may be lawful for the said councils, either jointly or separately, to enter into any contract or contracts with any person or persons who may be willing to undertake the same, to make, construct, erect and build such and so many sub-ways or bridges with all suitable approaches to and other works connected therewith, as in the opinion of said council or councils may be proper and necessary, on and in the said streets or any of them, under or over the several tracks of the several lines of railway

Power to enter on lands, and to close or divert streets.

where the same cross the said streets or any of them, of such materials and according to such plan or plans as the said councils or either of them may have adopted or may hereafter adopt regarding the same; and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works or any of them to completion, and thereafter maintaining the same, it shall and may be lawful for the said councils, or either of them, and the servants, workmen and agents or contractor, or contractors of them, or of either of them, to enter upon, take possession of, cut, dig up and use all such portions of the lands adjoining the said streets or any of them as the engineers or engineer of either of them may certify to be necessary, and to close, break up, and otherwise alter, improve, and change the said streets or any of them for such time, to such extent, and in such manner as the said engineer or engineers may think fit and necessary for the purposes of the said works or any of them. 46 V. c. 45, s. 2.

Councils before letting any contract to agree as to proportion in which expense of construction and maintenance shall be divided.

3. The said councils shall, before letting any such contract or entering upon the construction of any such work or works on or in Queen and King streets or either of them, mutually agree upon the proportions in which the cost thereof, including compensation for damages as hereinafter mentioned and the cost of future maintenance, shall be divided and borne between the said municipalities of Toronto and Parkdale respectively; and they are hereby authorized to pass all such by-laws, enter into all such agreements and execute all such contracts, deeds and writings as may be proper and necessary for all and every such purpose. 46 V. c. 45, s. 3.

Compensation for lands taken or injuriously affected.

4. In carrying on the said works, or any of them, the said councils, their servants, workmen and agents, and contractor or contractors, shall do no unnecessary injury or damage, and the said councils shall make to the owners or occupiers of or other persons interested in real property entered upon, taken or used by them or either of them in the exercise of any of the powers hereby conferred upon them, or either of them, or injuriously affected by the exercise of such powers, due compensation for any damages, including cost of fencing when required, necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the said work or works or any or either of them, and any such claim for compensation, if not mutually agreed upon, shall be determined by arbitration under the provisions of the Municipal Act and amendments thereto in that behalf. 46 V. c. 45, s. 4.

Special power to borrow for purposes of this Act.

5. Notwithstanding anything in the Municipal Act and amendments thereto, in any special or private Act relating to either of the said municipalities to the contrary, it shall and may be lawful for the council of the corpora-

tion of the city of Toronto and the council of the village of Parkdale respectively to pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all one hundred thousand dollars for each municipality, as may be necessary for the purpose of constructing such sub-way or sub-ways, bridge or bridges together with suitable approaches thereto, and other works necessarily connected therewith, as the case may be, including such compensation for damages as above provided for, and to issue any number of debentures payable in this Province or elsewhere in sums of not less than one hundred dollars, which may be requisite and necessary therefor. (v) 46 V. c. 45, s. 5.

6. The debentures to be issued for the purposes aforesaid, shall be payable in forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the council of the said corporation of the city of Toronto and the council of the village of Parkdale respectively in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in such municipality respectively, to be called "The Railway Crossing Rate," over and above and in addition to all other rates, to be levied in each year, which shall, together with such annual sum (if any) as the said councils or either of them may receive from the said railway companies or any of them under any agreement in that behalf, be sufficient to form a sinking fund of three-fourths of one per centum per annum for that purpose, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act or in other debentures of the municipality or Government debentures. 46 V. c. 45, s. 6.

7. The council of the corporation of the city of Toronto may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of one hundred thousand dollars for the purposes aforesaid, under the Provisions of the Act passed by the legislature of the province of Ontario in the forty-second year of the reign of Her Majesty, chaptered seventy-five, entitled *An Act respecting the debenture debt and certain property of the city of Toronto*. (w) 46 V. c. 45, s. 7.

(v) Power to the town of Parkdale to issue debentures for \$5,000 in addition to \$10,000 already issued, for subway. See 48 V. c. 68, s. 6 (Ont.), p. 285, and for issuing debentures for \$20,000. See 51 V. c. 54, s. 6 (Ont.), p. 288.

(w) See p. 101.

Sanction of
electors to
loan not
required.

8. No by-laws for the raising of any such loan by the issue of debentures for any of the purposes aforesaid shall require to be submitted to a vote of the ratepayers before the final passing thereof, anything in the said Municipal Act and amendments thereto, or any such special or private Act or Acts to the contrary notwithstanding. 46 V. c. 45, s. 8.

Expenses of
Act to be part
of cost of
works.

9. The expense incurred in obtaining this Act shall be borne by the said municipalities as a part of the cost of the said works and improvements, and shall be paid by them to the parties respectively entitled thereto. 46 V. c. 45, s. 9.

56 Vict. c. 85 (Ont.)

An Act respecting the City of Toronto.

[Assented to 27th May, 1893.]

* * * * *

Power to bor-
row \$130,000
for comple-
tion of sub-
ways and
bridges.

7. The council of the corporation of the city of Toronto may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts not exceeding \$130,000, as may be necessary for the purpose of completing the construction of any subway or subways, bridge or bridges, and other works authorized by chapter 45 of the Act passed in the 46th year of Her Majesty's reign, (x) or to pay the cost of such subway or subways, bridge or bridges heretofore constructed; and may issue any number of debentures payable in this Province or elsewhere in sums of not less than \$100 each, which may be requisite and necessary therefor, which debentures shall be payable within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half-yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the council of the said corporation may in any by-law or by-laws to be passed authorizing any such loan or loans or any part thereof and the issuing of debentures therefor, impose a special rate per annum upon all ratable real and personal property within the said municipality to be called "The Railway Crossing Rate" over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum (if any) as the said council may receive from the railway companies, referred

(x) See p. 119.

to in the said Act, or any of them, under any agreement in that behalf, be sufficient over and above the interest payable on such debentures, to form a sinking fund to pay off the said debentures at maturity. The said sinking fund shall be invested in each year either in the debentures provided for by the said Act or any other debentures of the municipality or in Government debentures, but the said council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$130,000, for the purposes aforesaid under the provisions of *The City of Toronto Debenture Consolidation Act, 1889.* (y) 56 V. c. 85, s. 7.

* * * * *

6. LOCAL IMPROVEMENTS.

(a) Generally.

46 Vict. c. 43 (Ont.)

An Act respecting the City of Toronto.

[Assented to 1st February, 1883.]

WHEREAS the corporation of the city of Toronto have Prerogative by their petition set forth the desirability of and the necessity for special legislation with respect to certain powers conferred or to be conferred upon said corporation, and to remove doubts as to the intent and meaning of the Act passed by the Legislature of the Province of Ontario, in the forty-second year of the reign of Her Majesty, chaptered seventy-five, intituled "*An Act respecting the Debenture Debt of the City of Toronto and for other purposes*;" (z) and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the corporation of the city of Toronto Assent of may pass all by-laws necessary, from time to time, to raise electors not loans and borrow moneys required for the city's share of required to by-laws for any local improvements and works on the credit of the raising city's city at large; and it shall not be necessary to obtain the share of cost assent of the electors of the said city to the passing of any of local im- such by-law under the provisions of the Municipal Act, provements. any special or private Act relating to the said city of

(y) See p. 100.

(z) See p. 101.

Proviso.

Toronto to the contrary notwithstanding; Provided always that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five. (a)

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general city debt, within the meaning of the Act last above mentioned, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the city at large, but it shall be sufficient to state in any such by-law, that the amount of the general city debt as therein set forth is exclusive of local improvement debts, secured by special Acts, rates, or assessments. 46 V. c. 43, s. 1.

Power to borrow funds for local improvements.

2. For the purpose of enabling the council to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of the Municipal Act or any local or private Act, heretofore passed or hereafter to be passed in that behalf, they may and they are hereby authorized and empowered to make agreements with any bank or banks, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures or city stock to repay the amount of the temporary loan or advance; and the interest paid for such temporary loans or advances shall be included in and form part of the cost of such works or local improvements. 46 V. c. 43, s. 2.

Time for repayment of loans.

3. Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life time of the work or improvement for which such debt has been incurred, as certified by the city engineer or other proper officer to be appointed by the council for that purpose. (b) 46 V. c. 43, s. 3; 48 V. c. 73, s. 2.

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40 V. c. 39, ss. 1-4, declared to be in force.

5. Nothing contained in the Act passed by the Legislature of the Province of Ontario in the fortieth year of the

(a) See p. 101.

(b) The proviso to this section was repealed by 48 V. c. 73, s. 2 (Ont.)

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reign of Her Majesty, chaptered six, entitled "An Act respecting the Revised Statutes of Ontario," or any other Act passed by the said legislature subsequently thereto or during this present session, shall be construed as interfering with the powers and rights conferred on the council of the corporation of the city of Toronto, by the first four sections of the Act passed by the said legislature, in the said fortieth year of Her Majesty's reign, chaptered thirty-nine, intituled *An Act respecting the City of Toronto, the Toronto Water Works and other matters*, or as repealing the said last mentioned Act, in so far as the same authorizes the said council to construct local improvements without petition therefor, where the same are in the opinion of the said council necessary for sanitary or drainage purposes (c). 46 V. c. 43, s. 5.

49 Vict. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

* * * * *

19. The council of the corporation of the city of Toronto may pass by-laws for authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws: Provided always, that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: Provided also, that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council. 49 V. c. 66, s. 19.

Reduction of the sinking fund under 42 V. c. 31.

20. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the said

Power to guarantee local improvement debentures.

(c) See note (a) p. 267.

city of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, anything contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding. 49 V. c. 66, s. 20.

* * * * *

52 Vlt. c. 74 (Ont.)

An Act respecting the Consolidation of the Debenture Debt of the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

Local improvement
debenture
debt.

11. All future issues of debentures covering the city's share of the cost of local improvement works and services shall not be counted or considered as part of the general Debenture Debt, but the same shall be merged into and be consolidated with and form a part of the Local Improvement Debenture Debt of the city, and the annual rates thereon shall be credited to and form a part of the Consolidated Local Improvement Debenture Fund of the said city, in the same manner as the annual rates on the other Local Improvement Debenture Debt. 52 V. c. 74, s. 11.

(c) Street Railway Debentures.

55 Vlt. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

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Power to issue
debentures for
street railway
pavements.

4. The corporation of the city of Toronto may construct, repair, renew, and maintain pavements on those portions of the streets of the said city occupied by the right of way of the Toronto Railway Company (being a width for single tracks of eight feet three inches, and for double tracks of sixteen feet six inches), and to defray the cost thereof, may issue local improvement debentures, to be

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called "City of Toronto Street Railway Debentures," which debentures may be made for any period not exceeding the life of the said respective pavements as certified by the city engineer, but in no case to be more than ten years, and the interest upon and the amount of annual sinking fund necessary to discharge the said debentures at their maturity, shall be and continue during the currency thereof, a first charge upon all moneys received by the said city by way of mileage revenue and percentages on the receipts of and all other revenue derived from the said Toronto Railway Company. Provided, that the amount of such debentures at any time outstanding shall be limited to such sum that the interest and sinking fund payable thereon in any year, shall never exceed the amount receivable by the said corporation in the said year by way of mileage revenue and percentages on the receipts of and all other revenue derived from the said company. 55 V. c. 90, s. 4; 56 V. c. 85, s. 1.

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DON IMPROVEMENT.

49 Vlot. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

* * * * *

1. In view of the necessity which exists for improving the Don river, and securing the sanitary condition of that part of the city of Toronto contiguous to the said river, it is hereby enacted that the council of the city of Toronto shall have power and authority; and they are hereby authorized and empowered:—

Powers as to
entering or
acquiring
lands and
making con-
tracts.

1. To at any time enter with their engineers, surveyors, servants or agents, upon the land of any person or corporation lying between the waters of Toronto bay, or Lake Ontario, and the line of Bloor street, produced easterly across the river Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the

river Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood ;

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto bay, or Lake Ontario, and the said line of Bloor street, produced easterly across the said river Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said council, for the purpose of straightening, widening, deepening, and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit ;

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the land covered with the waters of the bay or lake, within a range of 500 feet on either side of the centre of the said river, as shewn on the said plan ;

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said river Don between the line of Bloor street, produced easterly, as aforesaid, and the bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said council may be advised to be proper and necessary for the uses and purposes contemplated by this Act ;

5. To contract with the owners and occupiers of the lands which the said council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act ;

6. In case of any disagreement between the council and the owners or occupiers of, or other persons interested

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(a) See 52

(b) See 54

in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf. 49 V. c. 66, s. 1, *part*.

7. To lay out the said lands after the completion of the improvement thereon, or on any part thereof, as they may see fit, so as to form a public esplanade or highway, a portion of which (to be determined by the said corporation) may hereafter be set apart for railway companies as provided for in section 8 of this Act,^(a) and which portion is herein called the reservation for railway purposes." 52 V. c. 73, s. 2.

2. Upon the certificate of the city engineer or other ^{Assessment} officer having charge of said work or improvements, that ^{of improve-} the sections of the said work embraced in the existing ^{ments.} contracts have been duly completed and laid out as aforesaid, the said council shall cause the total cost of the lands, improvements and works, including amounts paid for compensation and otherwise in connection with the said portions of said improvement as aforesaid, and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said portions of said improvement as aforesaid, of which completion the certificate of the said engineer or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said assessments shall have been made and finally confirmed, the city clerk shall cause a copy thereof to be filed in the registry office for the city of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto.^(b) 49 V. c. 66, s. 2; 52 V. c. 73, ss. 3, 4.

3. Any person or corporation who may have owned any ^{Conveyances} such lot or lots of land prior to its expropriation by the ^{to owners of} ^{lots expro-} ^{riated.}

(a) See 52 Vict. c. 73, s. 8, p. 135.

(b) See 54 Vict. c. 82, s. 3, p. 140.

said council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the city of Toronto, as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and incumbrances, and of the lien created by this Act. 49 V. c. 66, s. 3.

Corporation may take less than 400 feet on each side of the river channel.

4.—(1) If for any reason, such as the existence of valuable buildings and improvements upon any lands situate within the four hundred feet limit on either side of the centre line of the Don river channel so to be straightened as aforesaid, or if for any other reason, it shall not be deemed desirable to take any portion of the said lands beyond the quantity required for the formation of the new channel, and the said allowance for main and highway purposes, the said council may take only so much land as may be necessary for the purposes last above mentioned, and shall take such other lands now on one side of the river as shall by the effect of the improvement be transferred to the other side of the river when straightened and improved, as herein provided.

(2) Any lands now on one side of the river which shall be cut off from the lots to which the same now belong by the effect of the proposed improvement, and transferred to the other side of the river when straightened shall, upon payment of the cost thereof, together with a proportionate part of the cost of the improvement, to be ascertained and determined as herein provided within one year after the completion of the works, be conveyed to the owner of the lands which shall adjoin the same on such other side of the river.

(3) In any case where the said council shall take a less quantity of land than four hundred feet, on either side of the centre line of the new channel, the lands within the four hundred feet limit not taken, adjoining the improvement, shall become liable to be specially assessed, and shall be specially assessed in respect of said improvement, as for a local improvement, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, but no such special assessment upon

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any lot, piece or parcel of land shall exceed the actual value of the benefit derived by said lands from the said improvement, the amount of such benefit to be ascertained, under the provisions of the municipal Acts, in that behalf. 49 V. c. 66, s. 4.

5. The council of the corporation of the city of Toronto shall, before commencing the straightening and improvement of the Don river and marsh lands under the provisions of this Act, cause proper plans of survey to be made, and proper plans, profiles, drawings, and specifications, of the work to be done and improvements to be made, to be prepared, and procure estimates of the probable cost of the lands to be taken and improvements to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the city at large, and shall cause the same to be duly published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf. 49 V. c. 66, s. 5. Publication of estimates, etc.

6. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising to the amount authorized by the vote of the ratepayers, any loan or loans from time to time, by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary notwithstanding. 49 V. c. 66, s. 6. Commencement of works.

7. No debt incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the city at large as the city's share thereof, shall be reckoned as the debt of the city proper, and as coming within the limitation of the city debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.(c) 49 V. c. 66, s. 7. Expenditure not to be considered as part of the city debt.

8. It shall and may be lawful for the said council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon Agreements with railway companies.

between the said council and any such company or companies : provided always that no one railway company shall acquire any exclusive right of property in the same or any part thereof, and all railways shall be entitled to the use thereof upon such terms as may be agreed upon with the said council, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the corporation of the city of Toronto. 49 V. c. 66, s. 8; 54 V. c. 82, s. 5.

Work may be
done in sec-
tions.

9. The said contracts may be let, and the said works may be carried on and completed in sections as follows :

1. The first section shall extend from the line of Bloor street produced easterly across the said river as aforesaid, southerly to the line of Winchester street, produced easterly across said river ;

2. The second section shall extend from the said line of Winchester street, produced southerly to the line of Carleton street, produced easterly across said river ;

3. The third section shall extend from the said produced line of Carleton street, southerly to the produced line of King street across the said river ;

4. The fourth section shall extend from the said produced line of King street, southerly to the line of Eastern avenue produced easterly across the said river ;

5. The fifth section shall extend from the said produced line of Eastern avenue, southerly to the northern boundary line of the marsh lands heretofore patented to and belonging to the city of Toronto.

6. The sixth section shall extend southerly, or otherwise, to the waters of the bay, or Lake Ontario, and to such point as may be determined by the said council. 49 V. c. 66, s. 9.

Manner in
which works
may be
carried on by
council.

10. The said council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous. 49 V. c. 66, s. 10; 52 V. c. 73, s. 5.

Erection of
bridges.

11. The said council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem

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best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing highway bridge. 49 V. c. 66, s. 11.

12. The said council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of city of Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said council may seem best: provided always that no such lot shall be sold for a less sum than the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money thereof shall be paid into, and form part of the sinking fund hereinafter mentioned. 49 V. c. 66, s. 12.

Leasing of
certain lots
by council.

13. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it shall and may be lawful for the said council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the city of Toronto contained, to pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all \$700,000, as may be necessary for the purposes of improving that part of the said river Don lying below and south of the line of Winchester street produced easterly across the said river, and the construction and completion of the works connected therewith, including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor. (d) 49 V. c. 66, s. 13; 52 V. c. 73, s. 6; 56 V. c. 85, s. 6.

Borrowing
powers.

14. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof or such shorter period as the council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said council in any by-law or by-laws to

Form of de-
bentures.

(d) See 54 Vict. c. 82, s. 4, p. 141.

be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said council may receive from the rentals of the said lands so to be improved and leased as aforesaid, or any of them, or income or revenue derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures, when the same mature, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act, or in other debentures of the municipality or government debentures. 49 V. c. 66, s. 14.

Power to
issue debentures under
42 V. c. 75.

15. The said council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$700,000, for the purposes aforesaid, under the provisions of the Act passed by the legislature of the province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the Debenture Debt and certain property of the city of Toronto.*(e) 49 V. c. 66, s. 15; 52 V. c. 73, s. 7; 56 V. c. 85, s. 6.

Improve-
ments to be a
charge on the
land.

16. The works and improvements to be constructed under the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, except as to so much of the debt as may be incurred to defray the city's share of the cost of the said improvements, including the cost of bridges as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 3 of this Act; and all rents, issues and profits, or other income in any manner derived therefrom, or from any part thereof, shall be paid into a special fund, and be applied in and towards the payment of the interest accruing due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than

(e) See p. 101.

income or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the city of Toronto, or of government debentures. 49 V. c. 66, s. 16.

17. The several sections of this Act, from section 1 to section 16, both inclusive, shall not apply to the lands or property used or required by the Grand Trunk Railway Company of Canada for their railway sidings or works, unless otherwise agreed upon between the said city and the said company, and then only to the extent so agreed upon—and with respect to any other lands of the said company which may be affected by the improvements in the said sections authorized, the said company shall fill in, and do all the work required in making said improvements on the said lands, according to the plans fixed for said works, subject to the approval of the engineer in charge of the said works, on behalf of the city, and no part of the property of the said railway company shall be taken or charged under this Act, as in the said sections provided. 49 V. c. 66, s. 17.

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52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

8. The work heretofore done or contracted for by the corporation of the city of Toronto upon the said Don improvement, and the contracts entered into by the said corporation therefor, and the plans and specifications referred to in the said contracts (except in so far as the said contracts, plans, or specifications may have assumed to allocate or lay out the said improvement, or any part thereof, or to show how the same should ultimately be laid out or allocated) and the proceedings heretofore had and taken in respect of the property taken, used or injuriously affected by the said improvement, or by the exercise of the powers or supposed powers of the said corporation in respect thereof, or otherwise by the said corporation for the purposes of the said improvement, and all other proceedings taken and had under the authority of the council of the corporation of the city of Toronto, in respect of the Don improvement, and in accordance with the said Act, are

Proceedings
in respect of
the Don im-
provement
confirmed.

Rev. Stat. c.
184.

hereby validated and confirmed; and no change heretofore made or hereafter to be made in the character or cost of the said improvement, and which is authorized by the said Act passed in the 49th year of Her Majesty's reign, chapter 66, or by this Act, shall in any way affect the right of the said corporation to charge against and assess and levy upon the lands benefited by the said improvement, pursuant to the provisions of *The Municipal Act* and amending Acts and of the said Act, two-thirds of the total cost of those portions of the said improvement covered by existing contracts; as provided by by-law 1767, of the corporation of the city of Toronto, and the schedule thereto. (f) 52 V. c. 73, s. 8.

By-law 2184,
confirmed.

9. By-law No. 2184, of the corporation of the city of Toronto, intituled "A By-law to authorize the City Treasurer to borrow a sum not exceeding \$150,000 for the purpose of carrying on the Don improvement," and which is printed as schedule A hereto, is hereby confirmed, and the corporation of the city of Toronto is declared to have and to have had power to pass the said by-law. 52 V. c. 73, s. 9.

* * * * *

SCHEDULE A.

No. 2184. A BY-LAW,

To authorize the City Treasurer to borrow a sum not exceeding \$150,000, for the purpose of carrying on the Don Improvements.

[Passed November 12th, 1888.]

Whereas by an Act passed by the Legislature of the Province of Ontario, in the 49th year of Her Majesty's reign, chapter 66, the corporation of the city of Toronto were authorized to carry on certain works for the improvement of the river Don in said Act set forth;

And whereas, in carrying on the said improvements, the cost of the lands taken and work performed has far exceeded the original estimates, owing to the increased value of the former and unforeseen difficulties in carrying on the latter;

And whereas contracts have been given out for carrying on the said improvements under said Act from King street

(f) See 54 Vict. c. 82, s. 4, p. 141.

to Gerrard street, and from Gerrard street to the Winchester street bridge, and the said work is being proceeded with under the said contracts ;

And whereas, by a change in the original plan, it has been decided to erect a high level iron bridge on Gerrard street where it crosses the said works, thus increasing the cost, as per original estimate, by about the sum of \$45,000, the erecting of which bridge is also under contract ;

And whereas a large part of the work contracted for has been performed ; and owing to the approach of winter and danger to the work through frost and spring floods, it is absolutely necessary that the works should be proceeded with as rapidly as possible, so as to place them beyond injury by frost and floods :

And whereas it appears by a letter from the city treasurer to His Worship the Mayor dated the 8th day of October, 1888, that the sum of \$300,000 appropriated for the purposes of the said works and improvement, has been exhausted, except the sum of \$3,000 ;

And whereas it is imperatively necessary for the purposes aforesaid that the said works should not be stopped at the present juncture for lack of funds ;

And whereas, at a conference, held on the 8th day of November instant, between the Honourable the Attorney-General of Ontario and a deputation of this council, the Attorney-General agreed, in view of the emergency above specified, that in case a by-law should be passed by this council authorizing the city treasurer to borrow such sums of money not exceeding in all \$150,000, as might be necessary for the purposes of carrying on the said improvements, the Government would, at the next session of the Ontario Legislature, support a bill legalizing the said loan, and providing for the repayment thereof ;

Therefore the council of the corporation of the city of Toronto enacts as follows :—

1. The city treasurer is hereby authorized and empowered to borrow from such banks, corporations or persons as may be willing to lend the same, and upon such terms as may be necessary, such sums of money as may be required for the purpose of carrying on the works of the Don improvements, not exceeding in all the sum of \$150,000.

2. The said moneys so to be borrowed shall, until repaid, be and constitute a charge on all the real and personal property, assets and effects of the said corporation of the city of Toronto. 52 V. c. 73 Sched.

53 Vict. c. 105 (Ont.)

An Act respecting the City of Toronto.

[Assented to 7th of April, 1890.]

By-law No.
2491
confirmed.

4. By-law number 2491 of the corporation of the city of Toronto (which is printed as schedule "C", hereto) is hereby validated and confirmed as if the same had been passed on the 7th day of May, 1888. 53 V. c. 105, s. 4.

SCHEDULE C.

(Section 4.)

No . A BY-LAW,

To explain and amend By-law 2005 respecting the Don Improvement.

Passed 1890.

Whereas by by-law 2005 of this corporation, passed on the 7th day of May, 1888, it was recited that it had been ascertained that the land expropriated by by-laws 1774 and 1803, for the purpose of the Don improvement, was more than was necessarily required for the purpose of said improvement, and that the cost of the said improvement might be reduced by reducing the area of land so taken, and that it was expedient to repeal by-laws 1774 and 1803 to the extent of the extra lands thereby taken and now no longer required for said improvement, and to enact in lieu thereof a new by-law taking a less quantity of land; and whereas the enacting part of the said by-law differs from said recital, and it is expedient to amend the same in order to conform thereto and to the intention of this council in the passing thereof;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:—

1. Section 1 of by-law 2005 is hereby amended by inserting in the last line thereof, after the word "repealed," the words "so far as the same affects lands not hereinafter described."

2. The said amendment shall be read as if the same had been made at the date of the passing of said by-law 2005. 53 V. c. 105, Sched. C.

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54 Vict. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

* * * * *

1. Two certain agreements made on the 23rd day of ~~Agreements~~ July, 1890, between the corporation of the city of Toronto, ^{with C. P. Ry.} the Canadian Pacific Railway Company and the Ontario ^{Co. and Ont.} and Quebec Railway Company respecting the "Don Im- ^{and Que. Ry.} ^{Co. confirmed.} provement," and which are printed as schedule "A" hereto, are hereby validated and confirmed, and the said corporation of the city of Toronto is hereby declared to have and to have had power to do all necessary acts to give effect to the same. 54 V. c. 82, s. 1.

2. Notwithstanding anything contained in any Acts re- ^{Agreement} ^{specting the city of Toronto or in The Railway Act of with Toronto} ^{Ontario or in any other Act of this legislature, it shall be} ^{Belt Line Ry.} ^{Co., for right} ^{of way over} ^{Don improve-} ^{ments.} lawful for The Toronto Belt Line Railway Company for the purpose of their line of railway forthwith to enter upon and take possession of that portion of the lands of the city of Toronto, being part of the improvements of the river Don, which may be described as follows: All and singular that certain parcel or tract of land and premises being composed of parts of the lands heretofore expropriated and set apart by the city of Toronto for the purpose of the Don improvement, and which may be more particularly described as being a strip of land twelve feet in width throughout lying six feet on each side of the following described centre line, that is to say: Commencing at a point on the south-easterly limit of Winchester street where the same is intersected by the located centre line of the said Belt Line Railway; thence southerly along a curve to the right of 1146 feet radius to the intersection of a straight line drawn parallel with the west limit of the channel of said Don improvement, and distant 55 feet measured westerly therefrom and at right angles thereto; thence southerly along said line keeping parallel with said limit of said channel to a point thereon south of the intersection of Eastern avenue, being the point of tangent with a curve to the right of 573 feet radius to connect with the northerly track of the main line of the Grand Trunk Railway at a point about 150 feet easterly on said track from the east face of the east wall of the Don station; thence from the first mentioned point of tangent south-westerly along said curve to the intersection of the westerly limit of the westerly road laid out by the said city along the side of the said Don improvement, such strip of twelve feet to be used by the said company for running purposes only; Provided that the said company shall only occupy

said strip as lessees of the said city, and that the terms and conditions of the said lease shall be settled by agreement between the said company and the said city, and such agreement shall be as nearly as the circumstances will permit upon the lines of the said agreement of 23rd July, 1890, and in case the parties have not within ten days after the passing of this Act settled the terms of such agreement all the terms thereof so in difference shall be settled and determined by arbitration as follows: Each party shall forthwith appoint an arbitrator and the two so appointed shall hear and finally determine such matters in difference, making their award in writing; but if they disagree then it shall be finally determined by the Honourable John M. Gibson, M.P.P., as umpire, and who shall as an umpire make his award in writing, and the award shall be made within two months from the passing of this Act and shall be final and binding and shall not be subject to appeal.(g) 54 V. c. 82, s. 2.

Assessment of
lands bene-
fited by Don
improvement.

3. Notwithstanding anything herein contained the corporation of the city of Toronto may charge against, assess and levy upon the lands benefited by the said Don improvement pursuant to the provisions of *The Municipal Act* and amending Acts, and of the Acts relating to the said improvement, (h) two-thirds of the net cost of those portions of the said improvement which have been constructed by the said corporation, and in ascertaining the cost of the said Don improvement, and in making the local special assessments therefor the council of the corporation of the city of Toronto and the city engineer or other officer or officers who may be charged with that duty shall take into consideration and make due allowance for any sum or sums of money which the said corporation may have already received before the making of such local special assessments or may be entitled to receive after the making thereof, under any agreements, leases or other dispositions of any rights of way, or any other rights or privileges granted or to be granted to any railway company, or to any other corporation or person upon or along the said Don improvement, or any part thereof. And after such local special assessments shall have been made and confirmed, the said council shall, in the event of its granting any further or other such rights or privileges upon or along the said Don improvement, or any part thereof, whereby it shall become entitled to receive any further or other sum or sums of money for or in respect of any such right or privilege, or otherwise howsoever, apply two-thirds of all moneys so to be received in reduction of the said annual special local assessments so to be made as aforesaid, and shall make all due and proper allowances, from year

(g) Agreement between the corporation of the city of Toronto and the Toronto Belt Line Railway Company. See 55-56 V. c. 61, (Dom.) p. 151.

(h) See 49 Vict. c. 66, s. 2, p. 129.

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to year as the said moneys may come in, and as occasion may require. 54 V. c. 82, s. 3.

4. Notwithstanding the provisions of the Act passed in Power to the 40th year of Her Majesty's reign, chaptered 66,⁽ⁱ⁾ and of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73,^(j) amending the same, the corporation of the city of Toronto may, with the assent of the electors entitled to vote on money by-laws, issue debentures for such further sums of money as may be necessary to complete the "Don Improvement," provided for in the said Acts; and the provisions of section 8^(k) of the said last mentioned Act, shall apply to any other further sums so raised for the purpose aforesaid. 54 V. c. 82, s. 4.

* * * * *

SCHEDULE "A."

(Section 1.)

This agreement, made the 23rd day of July, A.D. 1890 Between the corporation of the city of Toronto, hereinafter called "the city," of the one part, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, hereinafter called "the company," of the other part,

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other as follows:—

1. The city shall acquire in fee simple the lands required by them for the Don improvement, including the strip of land to be leased as hereinafter provided, and the company agrees not to interfere with that title by expropriation of the said strip, or of any other portion of the said property acquired or to be acquired by the city as aforesaid, under the Ontario Act, 49th Victoria, chapter 66, or the Acts amending the same. Provided, and it is hereby agreed, that the city and the company shall co-operate in obtaining any legislation which either party may consider necessary to remove any doubt as to the validity of this agreement; and in the event of such legislation being refused and the validity of this agreement being successfully impugned, the rights of the company (if any) in regard to expropriation shall remain as if this agreement had not been made.

2. The city shall lease or otherwise assure to the company in perpetuity the use of a strip of land twenty-six feet wide, on which two tracks are to be constructed for running purposes only along the Don improvement and

(i) See 49 Vict. c. 66, s. 13, p. 133.

(j) See p. 135.

(k) See p. 135.

south-west thereof, the location of said strip being herein-after more particularly described; such use to be as full as the business of the company for running purposes only may require—at an annual compensation, the amount and terms of which are to be fixed at intervals of fifty years each by arbitration in manner hereinafter described.

3. The company shall have at all times the working, control and management of the said two running tracks and the arrangement of the time tables, reserving the right to any other railway company or companies using the tracks (if dissatisfied with the time tables arranged by the company), to apply to the Railway Committee of the Privy Council for a readjustment of such time tables; and such Railway Committee shall have power to readjust the same, but the tracks (in so far as they can be used without interfering with the actual requirements of the business of the company for running purposes), may be used (for running purposes only) by other railways to be nominated by the city upon payment of such periodical compensation to the company, and upon such other terms as shall be determined by the Railway Committee of the Privy Council, such terms to be fixed by the said committee, having regard amongst other things, to the amount contributed by the company towards the construction of overhead bridges and other improvements, and to the compensation annually paid by the company, and to the proportion of the use of the tracks given to such other companies, and to the expenses of maintenance, repairs, *et cetera*. The advantage of being the senior road (as is usual in railway agreements for joint user) shall be in all cases retained by the company.

4. If the use of the tracks by any other railway company or companies so nominated by the city is objected to by the company, the dispute shall be referred to the said Railway Committee, and on the hearing of the matter the company shall not be allowed to object on any grounds except some one or more of the following grounds:

(a) That the capacity of the said two tracks is not sufficient to justify their proposed user by such other company or companies.

(b) That the business of the railway asking admission is of an objectionable nature; but a railway running suburban trains at intervals of not less than thirty minutes shall not be considered objectionable solely on account of the frequency of such trains.

(c) That in the event of the user of either of the said tracks being asked for by the Grand Trunk Railway Company, then the Canadian Pacific Railway Company may object that it should not be granted unless reciprocal rights be given to the Canadian Pacific Railway over their Toronto tracks.

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Nothing herein contained shall be taken as an approval by the city of any of such objections.

5. The location of the said strip and two running tracks shall, in the first instance, be as follows, that is to say :

Commencing at the face of the south abutment of the company's bridge over the river Don, at or near the south line of Winchester street produced; thence southerly along the west side of the Don improvement, next west of the twenty-three feet roadway adjoining the new channel to a point at or near King street, and where the company's railway lines deflect on a curve to the south-west; thence along such curve, continuing at the same width over city property, to the north side of Eastern avenue, near Cypress street, excepting therefrom that portion crossing the road allowance on the Don improvement to the south of King street, the whole as more particularly shewn on signed plan hereto attached. But this location may, from time to time, be readjusted and changed as the needs of business may demand; and if the company and the city do not agree as to such readjustment, the matter shall be referred to and decided by the Railway Committee of the Privy Council, and upon such readjustment the rights of the parties as to the strip of land in the new location and the tracks thereon shall be the same as if it were the location described in the original lease.

6. Nothing in this agreement shall affect any of the obligations of the company under section 187 of *The Railway Act*, or the position of the city in regard to the proposed expropriation by the company of certain lots on the water front of Toronto; nor in case the city shall at any time apply for legislation to have railway approaches placed under the control of an independent trust, as recommended by paragraph 15 of the Joint Esplanade Committee's report to the municipal council of the city, dated 24th December, 1889, shall the fact of the making of this agreement be used by either party against the other in reference to any such application for legislation.

(a) Subject to the requirements of section 192 of *The Railway Act*, overhead bridges or trestles or other structures for the handling of traffic and for loading or unloading freight from vessels or for passenger traffic, may be erected upon and across the said Don improvement and the tracks thereon at any point, and any difference or dispute in relation thereto shall be determined by the Railway Committee of the Privy Council.

7. The company shall dredge the channel on the north side of the river Don to a line with the north abutment of its bridge so far as it has not already been done.

8. The company shall pay the cost of raising the roadway on the west side of the Don, from the south abutment

of its bridge until the grade comes down to the level of the caps of the city's piling.

9. The company shall pay the costs of the additional cribbing necessary to sustain this increased embankment, and shall maintain such additional cribbing in perpetuity.

10. The company shall permit the city contractors to cross its tracks at any point for the purpose of their contract.

11. The company shall provide gates and watchmen at King street and Eastern avenue crossings, and also at the level crossings of the highway running along the west side of the said switching and siding tracks.

12. The company shall within two years from the date of the agreement erect and maintain in perpetuity a passenger station on their own land at or near the crossing of the line of King street by the said two running tracks.

13. The company shall arrange with the city's contractors so as to avoid any claim for damages on their part against the city by reason of the company's tracks being laid on the Don improvement before the works now under contract are completed, and to the extent of its power the city will aid the company in avoiding liability for any such damages.

(a) The other matters mentioned in the memorandum attached to Mr. Sproatt's letter of December 24th, 1888, to Mr. Van Horne, a copy of which is attached hereto, are not affected by anything contained in this agreement.

(b) In case the city at any time decides to construct a high level bridge at Winchester street, the company will not oppose the construction thereof; and all questions as to the liability of the company to contribute toward the construction thereof, and as to the extent (if any), of such contribution, shall be decided by the Railway Committee of the Privy Council.

14. Until arrangements have been made for the construction of a high level bridge at King street crossing, the company shall protect the level crossing there with gates and watchmen as above mentioned, and to avoid the dangers incident to a level crossing at King street by said tracks the company agrees not to oppose the construction by the city of a high level bridge across the Don improvement at this point, such bridge to be constructed by the city, and the company will contribute towards the costs and expenses incident to the construction and maintenance thereof, including damages to any property which may be injuriously affected thereby, in such proportion as the Railway Committee of the Privy Council may determine, and both parties hereto agree to be bound by the decision of the said committee.

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15. The public shall have the right to cross all tracks at grade on the improvement at Winchester street and Eastern avenue, and at eight points between Winchester street bridge and Eastern avenue, such points to be designated by the city council, and the crossings shall be at least 66 feet wide, but after an overhead bridge at Queen street crossing shall have been constructed and open for traffic, the tracks shall not be crossed at the level at that point.

16. The company shall keep across the said strip all such grade crossings as are above mentioned, paved or planked as provided by section 4 of the Act 28 Victoria, chapter 34, respecting the Toronto esplanade, and the provisions of *The Railway Act* as to the level highway crossings shall also apply to the said crossings.

(a) In the case of the construction in the future of elevated tracks running from a westerly or southerly direction into grade at any point on the said strip hereinbefore described at or south of the King street crossing, there shall be, in respect of the residue of the said strip (that is to say the part of it lying south of that point) an abatement to the company of a due portion of the said rent; the amount of such abatement (if dispute arise concerning it) to be finally decided by the Railway Committee of the Privy Council, as well as all questions of compensation to the company in respect of the disturbance of tracks thereon, or other matters relating to the said residue; provided that in any such case the company shall not be entitled to any compensation on the ground that the use of the residue of the said strip would be worth during the unexpired portion of the term any higher rent than the proportion of rent so to be abated.

17. Every matter of difference between the parties hereto, and which by the terms hereof is to be settled by arbitration, shall be settled as follows: Each party shall appoint an arbitrator, and the two so appointed shall hear and finally determine such matters or difference, making their award in writing; but if they disagree, then it shall be finally determined by the person who for the time being, fills the office of judge of the Exchequer Court of Canada, as umpire, and who shall, as an umpire, make his award in writing, the award in either case to be final and conclusive.

18. In case after seven clear days' notice, either of the said parties fails to select an arbitrator, the other party may apply to a judge of the High Court of Justice for Ontario for such appointment, and any arbitrator so appointed shall have the same powers as if he had been selected by the said party failing to appoint as aforesaid, and the award above mentioned shall in every case be

made by the two arbitrators within three months from the appointment of the second arbitrator, otherwise it shall be held that the two arbitrators have disagreed.

19. Upon the execution of this agreement by both parties, immediate possession of the said strip shall be given to the company, and the annual compensation to be paid by the company to the city shall be payable from the date on which possession is to be given to the company, and such annual compensation shall be to all intents and purposes "annual rent" within the meaning of section 143 of *The Railway Act*; and shall be a preferred claim accordingly, but such possession shall be given by the city and taken by the company, so as to form no grounds for any claim on account of it by the contractors against the city, and if the company take possession so as to form ground for any such claim, then the company shall bear all the consequences.

20. Any other company desiring to cross the running tracks of the Canadian Pacific Railway in order to obtain access to the switching and unloading tracks to be laid down upon the Don improvement, shall be entitled to do so at such points, and upon such terms as may from time to time, be determined by the Railway Committee of the Privy Council.

In witness whereof, the said city has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its president and secretary.

(Sgd.) E. F. CLARKE,
Mayor.

[L.S.]

(Sgd.) R. T. COADY,
City Treasurer.

(Sgd.) W. C. VAN HORNE,
President the Canadian Pacific Railway Company.

[L.S.]

(Sgd.) C. DRINKWATER,
Secretary the Canadian Pacific Railway Company.

(Sgd.) ED. B. OSLER,
President the Ontario and Quebec Railway Company.

[L.S.]

(Sgd.) C. DRINKWATER,
Secretary the Ontario and Quebec Railway Company.

*Supplementary Agreement.***AS TO THE USE OF THE SWITCHING AND SIDING TRACKS
ON THE DON IMPROVEMENT.**

This agreement, made the 23rd day of July, A.D. 1890, between the corporation of the city of Toronto (hereinafter called the city), of the one part, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company (hereinafter called the company), of the other part.

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other, as follows :

1. The city may lay down, maintain and operate such tracks, switches and other works as may be necessary for switching, loading and unloading purposes on the improvement, other than the strip to be used by the company under an agreement of even date herewith, and may make agreements with any railway company or companies for the use thereof, provided always that no one railway shall have any right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms and upon each paying its just proportion of the expenses represented by the cost of construction, maintenance and repairs of tracks, switches, sidings and other necessary works required for the proper use thereof and the cost of supervision. Until such time as more than one railway commences to use the tracks on the improvement upon the terms above mentioned, the city shall accept as compensation from any single company an amount equivalent to five per cent. per annum upon one-half the cost of material used in and the expense of laying the said tracks, sidings, switches and other necessary works, provided that the maintenance and operation of the said tracks and all expenses thereof shall be assumed by the said company. Said yard tracks, sidings and switches to be under the control of a yard master to be nominated by the company or companies using the yard, but appointed by, and in the employ of the city, and to be removable on the demand of the said company or companies. The said yardman, though paid by the city shall be considered for all purposes as an employé of the said company or companies, and the city shall not be liable for any accident caused by any act or default of the said yardman.

2. The company shall have no claim against the city for damage arising from defective construction, maintenance and repair of the Don improvement, or by reason of any negligence on the part of the company or companies using the said yard, tracks, sidings or switches, or the running tracks mentioned in an agreement between said parties bearing even date herewith, or of any servant or employé of any said company, including the said yard-

DON IMPROVEMENT.

man, and the company shall indemnify the city against all damage by reason of any negligence on the part of the said yardman.

In witness whereof the said city has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its president and secretary.

WITNESS:

[L.S.] (Sgd.) E. F. CLARKE,
Mayor City of Toronto.

(Sgd.) R. T. COADY,
City Treasurer.

[L.S.] (Sgd.) W. C. VAN HORNE,
President the Canadian Pacific Railway Company.

(Sgd.) C. DRINKWATER,
Secretary the Canadian Pacific Railway Company.

[L.S.] (Sgd.) E. B. OSLER,
President the Quebec and Ontario Railway Company.

(Sgd.) C. DRINKWATER,
Secretary the Quebec and Ontario Railway Company.

APPENDIX A.

Letter from Mr. Sproatt to Mr. Van Horne, referred to in paragraph 13 (a) of the above Agreement.

TORONTO, December 24th, 1888.

W. C. Van Horne, Esq., President C. P. R. Co., Montreal.

DEAR SIR,—I enclose you memo. of matters to be arranged and agreed to by and between the corporation of the city of Toronto and the directors of the C. P. R. Co. in connection with the laying down of their tracks on the lands to be used for railway purposes, said lands being situate in the Don valley on the line of the Don improvements. All these questions were discussed at a meeting held on the 21st instant at the mayor's office, and a few of them were decided, said decisions being recorded in each case under the item. Will you please give the memo. your consideration, and let us hear from you at your earliest convenience on the points which were left unadjusted at the meeting of the 21st.

Yours truly,

C. SPROATT,
City Engineer.

*Re DON IMPROVEMENTS.**Memo. of Matters to be Arranged with the C. P. R.*

1. As to the diversion of Winchester street:—

(a). The company should purchase all the land required for the new or diverted roadway.

(b). Grade, macadamize and fence the new road, indemnify the city against all claims for damages occasioned by the diversion of Winchester street, or by closing up part thereof north of present bridge, or by narrowing streets by means of new railway bridge.

(c). Pay one-half of the cost of new bridge. (See Report No. 26 of the Committee on Works adopted November 26, 1888.)

(d). Dredge channel on north side of river to a line with the north abutment of Canadian Pacific Railway bridge. (All the foregoing agreed to.)

2. As to Don improvement proper, company should—

(a). Pay cost of raising the roadway on the west side of Don from south abutment of Canadian Pacific Railway bridge, say 900 feet, till the grade comes down to the level of the caps of our piling. (Agreed to.)

(b). Pay cost of cribbing necessary to sustain embankment. (Agreed to.)

(c). Pay all extra expenses occasioned to the city by reason of the raising of the embankment as proposed. (It was stated by the Canadian Pacific Railway that this portion of the work would be completed by them, consequently no damages could be claimed.)

(d). Pay the cost of erecting temporary bridge over unfilled channel of old river, bridge to be the property of the city. (Agreed to.)

(e). Indemnify the city against all claims for damages occasioned by the Canadian Pacific Railway track crossing roadway on west side of Don improvement, between King street and Eastern avenue. (Unadjusted.)

(f). Pay all costs, damages and expenses which may be incurred by the city in consequence of allowing the Canadian Pacific Railway to occupy or use any portion of the railway reservation before the works now under contract are completed. (Mr. Van Horne will arrange with the contractors, and will relieve the city from any liability in *re* same.)

(g). Agree that city's contractors may cross track at any point for the purpose of their contract. (Canadian Pacific Railway will agree with contractors and fix points.)

3.—(a). Provision should be made for protecting the proposed level crossings at King street, Eastern avenue, Front street, Olive street, Tate street, Water street, Cherry street, Trinity street, Mill street, and Parliament street.

(b). Canadian Pacific Railway to indemnify city against all claims for damages by reason of high-level crossings at King street and Eastern avenue. (Left unadjusted.) These are the matters which immediately strike one, but further consideration may suggest others.

P. S.—The Canadian Pacific Railway Company to pay for the right of way over the entire improvement.

N. B.—All matters to be settled by arbitration.

(Sgd.) W. C. V. H.,
C. D.,
E. B. O.,
R. T. C.,
E. F. C.

54 V. c. 82, Sched.

55-56 Vict. c. 61 (Dom.)

An Act respecting certain railway works in the City of Toronto.

[Assented to 9th July, 1892.]

* * * * *

Declaratory. 1. So much of the work in the city of Toronto, authorized to be constructed by the corporation of the said city by the Act of the legislature of the province of Ontario, passed in the forty-ninth year of Her Majesty's reign, chapter sixty-six, (1) and the Acts amending the same, and known as the Don Improvement, as is covered by the agreements hereinafter mentioned, or either of them, is hereby declared to be a work for the general advantage of Canada. 55-56 V. c. 61, s. 1.

Agreements confirmed. 2. Two certain agreements, one dated the twenty-third of July, one thousand eight hundred and ninety, between the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company and the corporation of the city of Toronto; and the second dated the third of July, one thousand eight hundred and ninety-one, between the Toronto Belt Line Railway Company and the said corporation of the city of Toronto, concerning the

(1) See p. 127 et seq.

use by the said companies of certain portions of the Don improvements, which agreements are printed as appendices "A" and "B" hereto respectively, are hereby validated and confirmed and the parties thereto are declared respectively to have and to have had power to do all acts necessary to give effect to the said agreements. 55-56 V. c. 61, s. 2.

3. No railway company shall, without the consent of the Railway Committee of the Privy Council, erect fences or construct cattle guards or other obstructions to traffic upon any portion of the said Don improvement so as to prevent the public from passing upon, over, across and along the said improvement or any portion thereof. 55-56 V. c. 61, s. 3.

Obstruction
to traffic pro-
hibited.

4. Any work or proceedings commenced or to be commenced for the purpose of constructing or completing and operating the Don branch, may be carried on by the Ontario and Quebec Railway Company, or by its lessee the Canadian Pacific Railway Company, as if the time named in section two of chapter fifty-three of the statutes of 1888, were five years instead of three years. 55-56 V. c. 61, s. 4.

APPENDIX "A."

For the agreement made the 23rd day of July, A.D. 1890, between the Corporation of the City of Toronto, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, see Schedule A to 54 Vict. c. 82 (Ont.), p. 141.

APPENDIX "B."

BELT LINE DON AGREEMENT.

MEMORANDUM OF AGREEMENT made in duplicate, this third day of July, one thousand eight hundred and ninety-one, between THE CORPORATION OF THE CITY OF TORONTO, herein called the "city," of the first part, and THE TORONTO BELT LINE RAILWAY COMPANY, herein called the "company," of the second part;

WHEREAS, under the authority of an Act of the legislature of the Province of Ontario, passed in the forty-ninth year of Her Majesty's reign, chapter sixty-six, and under the authority of certain by-laws of the corporation of the

city of Toronto, the city has constructed certain portions of the Don improvement authorized by the said Act;

And whereas by the said Act, as amended by an Act of the said legislature passed in the fifty-second year of Her Majesty's reign, chapter seventy-three it is provided that the council of the city shall have power and authority, and they are thereby authorized and empowered to lay out by by-law of said city, the lands used for said improvement after the completion of the improvement thereon, or any part thereof, as they may see fit, so as to form a public esplanade or highway, a portion of which to be determined by said by-law, may be set apart for railway companies, and which portion is therein called "reservation for railway purposes;"

And whereas by an agreement, dated the twenty-third day of July, one thousand eight hundred and ninety, and made between the said city and the Canadian Pacific Railway Company, and the Ontario and Quebec Railway Company (herein called the "C. P. R."), a strip of twenty-six feet along said improvement, was leased by the city to the said "C. P. R." on the terms and conditions therein stated; and by another agreement made on the same date between the said parties, it was provided and agreed that upon the portion of the said improvement appropriated for switching, loading and unloading tracks, the city might lay down such tracks, switches and other works as might be necessary for the purposes aforesaid, and might make agreements with any railway company or companies, for the use thereof; and that the said yards, tracks, sidings, and switches so to be laid down, should be under the control of a yardmaster, to be nominated by the company or companies using the yard, but to be appointed by and to be in the employ of the said city;

And whereas by an Act passed in the fifty-fourth year of Her Majesty's reign, chapter eighty-two, entitled *An Act respecting the city of Toronto*, it is provided that the company may forthwith enter into possession and occupy that portion of the lands of the city of Toronto, being part of the improvement of the river Don, which may be described as follows:—All and singular that certain parcel or tract of land and premises, being composed of parts of the lands heretofore expropriated and set apart by the city of Toronto for the purpose of the Don improvement, and which may be more particularly described as being a strip of land twelve feet in width throughout, lying six feet on each side of the following described centre line, that is to say: commencing at a point on the south-easterly limit of Winchester street where the same is intersected by the located centre line of the said Belt Line Railway; thence southerly along a curve to the right of eleven hundred and forty-six (1146) feet radius to the intersection of a straight

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line drawn parallel with the west limit of the channel of said Don improvement and distant fifty-five (55) feet measured westerly therefrom and at right angles thereto; thence southerly along said line keeping parallel with said limit of said channel to a point thereon south of the intersection of Eastern avenue being the point of tangent with a curve to the right of five hundred and seventy-three (573) feet radius to connect with the northerly track of the main line of the Grand Trunk Railway at a point about one hundred and fifty (150) feet easterly on said track from the east face of the east wall of the shed at the Don station; thence from the first mentioned point of tangent south-westerly along said curve to the intersection of the westerly limit of the westerly road laid out by the said city along the said side of the Don improvement, as lessees of said strip of twelve feet to be used by the said company for running purposes only.

And whereas it is further provided in and by the last referred to Act, that the terms and conditions of the said lease of said strip shall be settled by agreement between said company and the said city, and that in case the parties shall not have settled the terms of said agreement within the period limited by the said Act, all the terms thereof so in difference shall be settled and determined by arbitration, as in said Act provided;

And whereas the said company and the said city have been unable to settle and agree upon all the terms and conditions aforesaid;

And whereas Herbert A. E. Kent, Esquire, was appointed by the said city as their arbitrator, and Robert Jaffray, Esquire, was appointed by the said company as their arbitrator, to hear and determine the matters in difference between the said city and the said company;

And whereas the said arbitrators having met and disagreed, the said matters in difference have been finally determined by the Honourable John M. Gibson, M.P.P., as umpire, and the terms and conditions of the said agreement as so finally settled and determined by the said umpire, are as follows:—

1. Now this agreement witnesseth that when the said track is constructed upon and along the said twelve-foot strip on the line shewn upon the plan hereto annexed, the city will lease or otherwise assure to the company in perpetuity, the use for running purposes only of the said twelve-foot strip, as shewn on said plan, and of said track so to be laid thereon, subject to the provisions of the said hereinbefore recited agreements, and to the rights thereby granted to the parties thereto, and upon payment to the city of an annual compensation, to be determined at intervals of fifty years each, by agreement between the parties

hereto, or failing such agreement, by arbitration, as herein-after provided.

2. The said compensation shall be payable quarterly, on the first days of January, April, July and October, in each year (or on the first juridical day thereafter respectively), and such annual compensation shall be to all intents and purposes "annual rent" within the meaning of such section 143 of *The Railway Act*, and shall be a preferred claim accordingly.

3. Subject to the provisions of this agreement, and of the said hereinbefore recited agreement, the company shall have at all times the working, control and management of the said track and the arrangement of the time-tables thereon, reserving to any other company or companies desiring to use the tracks, or using the same, the right to apply to the Railway Committee of the Privy Council for a readjustment of such time-tables, and the Railway Committee of the Privy Council shall have the power to readjust the same, and the said track, in so far as it can be used without interfering with the actual requirements of the business of the company for running purposes, may be used (for running purposes only), by other railway companies, to be named by the city upon such terms as the Railway Committee of the Privy Council shall, from time to time determine, having regard, among other things, to the compensation annually payable by the company to the city as aforesaid, the amount contributed by the company towards the construction of overhead bridges, and towards the protection of diamond and other crossings and other requirements, the proportion of the use of the said track given to such other companies, and the expenses of construction of said track, maintenance, repairs, etc. The advantage of being the senior road to be in all cases given to the company.

4. The public shall have the right to cross the said strip of land and the track so to be laid thereon, at grade, at Winchester street and Eastern avenue, and at eight other points between Winchester street bridge and Eastern avenue, and also at one point between Eastern avenue and the south end of the improvement on the line of the road allowance which extends along the west side of the improvement; said points to be determined by the city engineer; all such crossings to be at least sixty-six (66) feet wide, and to be constructed and maintained by and at the expense of the company as herein provided.

5. The company shall keep all such grade crossings paved or planked, as the city engineer may from time to time require, in such manner as shall be proper and sufficient for crossing the said strip and track at each of such crossings, and shall so construct the same as to the level at which the same shall be (relatively to the said rails and

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otherwise), and as to the materials to be used (such as ballast, broken stone, paving or planking) and as to the manner in which the same shall be so constructed and kept, as the said corporation of the city of Toronto may from time to time require, and shall keep and maintain the same in an efficient state of repair to the satisfaction of the city engineer.

6. The company shall, at its own expense, lower the grade of Eastern avenue, on the said improvement, including bridges and ramps, three feet or more as may be directed by the city engineer.

7. The company shall also bear and pay all expenses connected with the supplying, putting in, erecting and maintaining of all necessary crossings by said track of the lines upon the said twenty-six foot strip of land leased to the "C. P. R." by the hereinbefore recited agreement of 23rd July, 1890, and of all signals, semaphores, fences, gates, signal houses and other protection which may during such period be required for any crossings on said improvement.

8. The company shall also, when required by the Railway Committee of the Privy Council so to do, provide and maintain in an efficient state, gates and watchmen at the level crossings at Queen and Winchester streets and Eastern avenue, and at the south end of the improvement on the line of road allowance along the west side of improvement as aforesaid; but after an overhead road bridge has been constructed and opened for traffic at Queen street crossing, the said track shall no longer be crossed on the level at that point; and after a bridge has been erected across the river Don, on the line of Amelia street produced, the said city shall assume all liability in respect to the further maintenance and protection of a level crossing at Winchester street, if required.

9. In case the city shall construct high level bridges across the improvement on the line of Eastern avenue and Queen street, or either of them, the company will contribute toward the cost and expenses incident to the construction, reconstructions and maintenance thereof (including damages to any properties which may be taken or injuriously affected thereby), in such proportion as may be determined by the Railway Committee of the Privy Council of Canada.

10. The company shall construct their line north of Winchester street, as shewn in (dotted) red on the plan hereto annexed, with an undercrossing on the line of Amelia street (produced) the opening of the said undercrossing to be thirty-five feet clear, and the headway not less than fourteen feet clear; and the company shall do the necessary grading, etc., of the roadway from Rosedale

valley road to the Don river, on the line of the said undercrossing and the connecting section of the road from Winchester street to said Rosedale valley road, and contribute \$1,000 towards the cost of the bridge to be erected over the Don river, on the line of Amelia street (produced), and pay one-third of the cost of the right of way required from Winchester street, in rear of the Necropolis, to Amelia street (produced); thence to the river, as shewn in red on plan attached hereto. In case the city at any time decides to construct a high level bridge at Winchester street, the company will not oppose the construction thereof.

11. In the event of the "Don improvement" being at any time continued northward from Winchester street to Bloor street (produced) and the said street being continued eastward across the river Don, the company shall construct and maintain, whenever required by the City Engineer so to do, a level public road crossing over their railway on the line of Bloor street, so produced eastward as aforesaid, and whether the said improvement is so continued northward or not, the city may construct a bridge over the said track or tracks of the company at the aforementioned point.

12. The cutting, piling, and construction of the proposed overflow channel across the head of the river Don, between Amelia street (produced) and Bloor street, as shewn on company's plan, and also a plan attached hereto, is to be made by the company; and the company is to be responsible for the maintenance thereof and for any damage which may be occasioned thereby, or by reason of the construction by the company of bridges across the channel of the river Don, at the points as shewn on plan hereto attached. The company shall protect the embankment of the improvement near the present site of the Winchester bridge; and also between the old abutments of the said bridge and the tracks leased to the Canadian Pacific Railway Company, in manner already agreed upon by the engineers of the two corporations, parties hereto, also the slopes of the roadway forming Winchester street (produced) at rear of Necropolis.

13. The Canadian Pacific Railway Company is to have the right for the purpose of reaching the switching, loading and unloading tracks, to be constructed upon the remaining twenty-four feet of the said improvement to cross the said twelve-foot strip, and the track herein mentioned, at such points and times, in such manner and upon such terms as may be agreed upon between the company and the Canadian Pacific Railway Company, or (in case of disagreement between them) as may be determined by the city engineer.

14. The location of the company's track or tracks may from time to time be readjusted and changed as the needs

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of the business of the city or of the company may demand, and if the company and the city do not agree as to such readjustment, the matter shall be referred to and decided by the Railway Committee of the Privy Council; and upon such readjustment, the rights of the parties shall be the same as if the new location were that described in this agreement.

15. Nothing herein contained shall affect any of the obligations of the company under section 187 of *The Railway Act*, nor in case the city shall at any time apply for legislation to have railway approaches to the city placed under the control of an independent trust, as recommended by paragraph 15 of the Joint Esplanade Committee's report to the city council, dated December 24th, 1889, shall the fact of the making of this agreement be used by either party against the other in reference to any such obligation.

16. Subject to the requirements of section 192 of *The Railway Act*, overhead bridges or trestles or other structures for the handling of traffic or for loading or unloading freight from vessels or for passenger traffic may be erected across the said strip or the track laid thereon at any point, and any difference or dispute in relation thereto shall be determined by the Railway Committee of the Privy Council of Canada.

17. In case of the construction in the future of elevated tracks running from a westerly or southerly direction into grade at any point on the said twelve-foot strip hereinbefore designated at or south of Queen street, there shall be (in respect to the residue of the said strip lying south of that point) an abatement of a due proportion of the annual compensation to be paid by the company to the city as aforesaid, the amount of such abatement (if dispute arise concerning same) as well as all questions of compensation in respect of the disturbance of track or business and all other questions in respect thereof to be determined by the Railway Committee of the Privy Council of Canada; but the company shall not be entitled to any compensation on the ground that the use of the residue of said strip so given up would be worth during the unexpired portion of the current term more than the proportion of rent so to be abated.

18. Every matter in difference between the parties hereto and which by the terms hereof is to be settled by arbitration, shall be settled as follows:—Each party shall appoint an arbitrator, and the two so appointed shall hear and finally determine such matter in difference, making their award in writing; but if they disagree, then it shall be finally determined by the person who, for the time being, fills the office of judge of the Exchequer Court of Canada, as umpire, and who shall, as an umpire, make his

award in writing, the award in either case to be final and conclusive.

19. In case after seven clear days' notice, either of the said parties fails to select an arbitrator, the other party may apply to a judge of the High Court of Justice of Ontario for such appointment, and any arbitrator so appointed shall have the same power as if he had been selected by the said party failing to appoint as aforesaid, and the award above mentioned, shall in every case be made by the two arbitrators within three months from the appointment of the second arbitrator, otherwise it shall be held that the two arbitrators have disagreed, and the said arbitrators or umpire shall have power to direct that the costs of any such arbitration, reference and award shall be paid by any party to said reference, and to determine the scale upon which such costs shall be so paid.

20. The annual compensation to be paid by the company to the city, shall be payable from the date on which possession is taken by the company, but such possession shall be given by the city and taken by the company so as to form no grounds for any claim on account of it by the contractors against the city, and if the company takes possession so as to form ground for any such claim the company shall bear all the consequences.

In witness whereof the said city has hereunto caused to be affixed its corporate seal, and the hand of its mayor and treasurer, and the said company its corporate seal and the hands of its vice-president and secretary.

[L.S.] (Signed) E. F. CLARKE,
Mayor.

(Signed) R. T. COADY,
Treasurer.

[L.S.] (Signed) JNO. T. MOORE,
Vice-President.

(Signed) H. L. HIME,
Secretary.

55-56 V. c. 61, App. B. (Dom.)

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50 Vict. c. 71 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

* * * * *

1. The council of the corporation of the city of Toronto ^{Power.} may pass by-laws for the following amongst other purposes notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any amending Act or in any special or private Act relating to the said city of Toronto contained to the contrary;

1. For entering upon, taking, and acquiring so much ^{Acquiring land for drill shed.} land in the city of Toronto as may be required for the purposes of a new drill-shed for the volunteer force of the city of Toronto, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf. 50 V. c. 71, s. 1 (1).

ELECTORAL DISTRICTS.

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3. AGRICULTURE AND ARTS—See AGRICULTURE AND ARTS.	

1. DOMINION PARLIAMENT.

R. S. C. c. 6.

An Act respecting Representation in the House of Commons.

* * * * *

3. The said provinces shall for the purposes of the election of members to serve in the House of Commons, be respectively divided into electoral districts and be represented in the House of Commons as follows, that is to say:—45 V. c. 3, s. 2, *part*,

ONTARIO.

(2) In the Province of Ontario :—

* * * * *

West Toronto. (28) The Electoral District of West Toronto which shall consist of the wards as constituted on the fourteenth day of June, 1872, of St. Andrew, St. George and St. Patrick, in the city of Toronto. 35 V. c. 13, s. 2, *part*.

Centre Toronto. (29) The Electoral District of Centre Toronto which shall consist of the wards as constituted on the fourteenth day of June, 1872, of St. John and St. James, in the city of Toronto. 35 V. c. 13, s. 2, *part*.

East Toronto. (30) The Electoral District of East Toronto which shall consist of the wards as constituted on the fourteenth day of June, 1872, of St. David and St. Lawrence, in the city of Toronto. 35 V. c. 13, s. 2, *part*.

* * * * *

2. ONTARIO LEGISLATURE.

57 Vict. c. 2 (Ont.)

An Act respecting the Representation of certain Cities in the Legislative Assembly.

[Assented to 5th May, 1894.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Electoral divisions of Toronto. 1.—(1) The city of Toronto shall be divided into four electoral districts to be called respectively :—

The Electoral District of East Toronto,
The Electoral District of North Toronto,
The Electoral District of South Toronto,
The Electoral District of West Toronto,
and each electoral district shall be represented in the Legislative Assembly by one member.

East Toronto. (2) The Electoral District of East Toronto shall consist of the present ward No. 1 and that part of the present ward No. 2 lying south to the centre line of Carlton street and east of the centre line of Sherbourne street, and also that part of the city of Toronto known as "Toronto Island."

(3) The Electoral District of North Toronto shall consist of all that part of the city lying north of the centre line of Carlton street and College avenue, bounded on the east by the centre line of Sumach street and said line produced northerly to the north boundary of the city, and on the west by the centre line of Palmerston avenue.

(4) The Electoral District of South Toronto shall consist of those parts of the present wards Nos. 2, 3, 4, and 5, lying the south of the centre line of Carlton street and College avenue and bounded on the east by the centre line of Sherbourne street, and on the west by the centre line of Tecumseth street, and said centre line produced southerly to the bay and Palmerston avenue.

(5) The Electoral District of West Toronto shall consist of that part of the city lying west of the centre line of Palmerston avenue and Tecumseth street and said street produced southerly to the Bay, being the remainder of the city not included in the other three electoral divisions. 57 V. c. 2, s. 1.

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ELECTRIC LIGHT.

See GAS AND ELECTRIC COMPANIES.

ESPLANADE.

CREDIT VALLEY RAILWAY—See RAILWAYS.

16 Vict. c. 219.

An Act conveying to the City of Toronto certain Water lots, with power to the said City for the construction of an Esplanade.

[Assented to 14th June, 1853.]

WHEREAS by letters patent, under the Great Seal of the Province of Upper Canada, bearing date the twenty-first day of February, in the year of our Lord, one thousand eight hundred and forty, certain water lots or tracts of land covered with water, situate in front of the said city of Toronto, and certain parcels or slips of land

Preamble.
Letters
Patent of U.
C. 21st Feb.
1840, recited.

Order in
Council 17th
Aug., 1837.

situated between the top of the bank and the water's edge of the bay, in the said city of Toronto, adjoining to the said water lots, were under the direction of an order in council of the 17th August, 1837, granted to the mayor, aldermen and commonalty of the said city of Toronto, and their successors for ever, upon trust, to lease the said water lots, or apply them to and for the public purposes of the said city, as the common council of the said city of Toronto, from time to time, might think fit to order or direct: And upon the further trust that within three years from the time the said city of Toronto should occupy any of the said water lots for the uses of the said city, or lease the same, an esplanade of one hundred feet in width, of such materials and plan as the said city of Toronto, by Act of common council, might order and direct, should be erected and built in front of the said lots by the said city, or the lessees of the said lots respectively, at the place designated by the letter C., on the Record maps of the Crown Land Department, and designated by the letter O. upon a plan of the said city and water lots annexed to the said letters patent, subject also to the condition that the said esplanade shall be kept in repair by the city or its lessees, as provided for by order in council of 17th August, 1837; and upon the further trust, that so soon as the proprietors of such water lots, in front of the said city of Toronto, as had been granted previously to the date of the letters patent hereinbefore in part recited, should comply with the terms of the said letters patent, and build the said esplanade in front of their respective lots, according to the said plan adopted by the said city of Toronto, and in the place designated on the map annexed to the said letters patent, to convey to such proprietors the extension of the water lots adjoining to their respective lots, as by the said letters patent, and the map annexed thereto is provided and described, and also to convey to the owners of the water lots, according to their respective estates, pieces of land at the foot of the bank, subject to such general regulations, as to buildings and general improvements under the direction of the corporation, as may be devised by the corporation of the said city; And whereas most of the said water lots so granted to the said city of Toronto, have been leased by the said city, and the said leases contain a covenant on the part of the lessees, to build the said esplanade within the time in the said letters patent mentioned, and according to the plan adopted by the common council; And whereas by a certain license of occupation issued by His Excellency the Governor-General, and bearing date the 29th day of March, 1853, which said license of occupation was so issued in conformity with the orders in council of the 9th day of December, 1852, and 29th March, 1853, His Excellency gave and granted to the said mayor, aldermen and common council of the said city of Toronto, and their succes-

License of
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sors in office, license to occupy certain other parcels of land covered with water and strips of land lying in front of the said city and in the said license of occupation described, with certain reservations in the said license of occupation set forth, to have and to hold to the said mayor, aldermen and common council of the said city and their successors in office, for and during pleasure, subject nevertheless to the stipulations, terms and conditions therein mentioned; And whereas the corporation of the city of Toronto have, by their petition, prayed that authority may be given to the common council of the said city to erect the proposed esplanade in front of and upon the said water lots, according to the conditions of the said letters patent, license of occupation and the leases to the several tenants thereof, and to issue debentures for the payment thereof, payable within twenty years, redeemable by an annual rate to be levied on such holders of the said water lots, whether freehold or leasehold, as are unwilling or unable to make their respective portions of the said esplanade at their own expense, within twelve months from the first day of January, one thousand eight hundred and fifty-three; And whereas it would greatly conduce to the prosperity and health of the said city of Toronto, that such an esplanade should be forthwith built, and it is advisable that the prayer of the said petition be granted:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same.

1. That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city of Toronto to enter into any contract or contracts with any person or persons who may be willing to undertake the same, to erect and build an esplanade in front of and upon the water lots in the said city, as described in the preamble and the letters patent and license of occupation therein mentioned, of such materials, and according to such plan as the common council of the said city of Toronto may have adopted, or may hereafter adopt regarding the same, according to the provisions of the said letters patent. 16 V. c. 219, s. 1.

Corporation
may contract
for building
the Espla-
nade, etc.

2. And be it enacted, that notwithstanding any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the mayor, aldermen and commonalty

Corporation
may borrow
money to
build the

same, and levy a special rate on owners of water lots.

Such special rate to include a provision for a sinking fund.

City surveyor to ascertain amount payable by owners of lots on which the city shall have made the esplanade, and notify them.

Provision for arbitration, if any such owner declares himself dissatisfied with the amount so ascertained,

of the said city of Toronto, to pass a by-law to raise a loan for such an amount, not exceeding one hundred and twenty thousand pounds, as may be necessary for the purpose of constructing the said esplanade, and to issue any number of debentures, payable in this Province or elsewhere, in sums of not less than twenty-five pounds, which may be requisite and necessary therefor, payable in twenty years from the respective dates thereof; and for the purpose of redeeming the same, and paying the interest thereon, it shall and may be lawful to and for the common council of the said city of Toronto, in any by-law to be passed authorizing the said loan of one hundred and twenty thousand pounds, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum to be called "The Esplanade Rate," over and above and in addition to all other rates to be levied in each year, which shall be sufficient to form a sinking fund of two per cent. per annum for that purpose, over and above the interest payable on such debentures, which sinking fund shall be invested in each year, either in the debentures provided for by this Act, or in government debentures or other Provincial securities. 16 V. c. 219, s. 2.

3. And be it enacted, that when the corporation of the said city shall have built and completed that portion of the said esplanade fronting upon or crossing the water lots in the said city, after the owners, proprietors or lessees of such lots shall have failed to construct the same within the time and in the manner herein provided, the city surveyor of the said city, by an instrument under his hand and seal, shall declare the amount which each of such owners or lessees ought to pay to the said city for the construction of such esplanade upon and across such water lots respectively, a copy of which instrument shall be served on each such owner or lessee respectively, or sent to his address by mail, if his address be known and be within this Province, and not within the said city.

If such owner or lessee shall within one month after such service leave with the clerk of the common council of the said city, a notice in writing that he refuses to pay the amount declared by the said city surveyor, as the sum payable by him in respect of the improvement made across or in front of his lot, and shall also name an arbitrator to act on his behalf for the purpose of deciding the value of the said improvement, the corporation of the said city shall also name an arbitrator on behalf of the said city, and the two so chosen shall, within three days after the nomination of a person to act for the said city, select a third arbitrator, and in case they fail to do so, the county judge of the county of York, or of any union of counties for the time being, of which the county of York may be one, shall appoint such third arbitrator; and the award or

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determination of such Arbitrators, or any two of them, shall be final as to the amount chargeable on the said water lots respectively, and the owners thereof for such improve-^{otherwise}ment; but if such owner or lessee shall not leave such ^{certificate of} notice as aforesaid with the city clerk, within one month ^{city surveyor} as aforesaid, then the certificate of the city surveyor shall ^{be conclu-}be conclusive as to the amount to be paid by such owner or lessee:

Provided always, that if such owner or lessee be an ^{Provision if} infant, or *non compos mentis*, or under any other disability ^{the owner be} to act for himself, or be absent from the Province or ^{unable to act,} unknown, and there be no person in this Province known to be legally authorized to act for him in the matter upon or to whom the copy of the instrument made as aforesaid by the city surveyor can be served or sent, then the county judge aforesaid, on the application of the corporation of the city, and on being satisfied by affidavit of such fact, shall appoint an arbitrator to act for such owner or lessee, and the said corporation shall appoint another, and the two arbitrators so appointed shall before they act as such appoint a third, or if they cannot agree, then the said county judge on the application of either of them, (after notice to the other of such application) shall appoint the third arbitrator, and the award of the said arbitrators or of any two of them, shall be conclusive as to the amount to be paid to the said corporation by such owner or lessee:

When the amount to be paid as aforesaid shall have ^{Sum finally} been conclusively ascertained by the certificate of the city ^{ascertained to} surveyor or the award of arbitrators as hereinbefore pro- ^{be a charge} vided, then a memorandum of such certificate or award ^{on the land:} may be registered in the office of the register of deeds for the county, and being so registered, the sum therein men- ^{and payable} tioned shall thereafter be a charge upon the lands in respect ^{in 20 equal} of which it is payable, and the said sum shall be payable ^{annual instal-} to the corporation of the said city, in twenty equal annual ^{ments.} instalments, to become due on the thirty-first day of December in each year, after such registration as aforesaid, with interest from the same date, (or from the day up to which the interest shall have been paid, as the case may be), on so much of the said sum as shall be then unpaid, and the said instalments and interest shall and may be collected, and if not paid, may be recovered from the owners ^{How recover-} or occupiers of the said lands for the time then being, in ^{able if not} like manner, with the same accumulations, and subject to ^{paid.} the same provisions as local taxes in the said city, and if the same be not so paid or recovered, then the said lands may be sold in like manner as the lands of non-residents may be sold for non-payment of the local taxes thereon, and the said instalments and interest and all lawful charges shall be paid out of the proceeds of such sale, and if the proceeds of the sale be more than sufficient to pay the same,

the surplus shall be returned to the owner of the said lands when applied for by him.

Application of moneys received under this section.

12 V. c. 81.

On what proof the memorandum of city surveyor or the award shall be registered.

By-law imposing the rate not to be repealed until debt and interest are paid.

Duty of the chamberlain under this Act.

Conveyance of lots to the proper persons according to the trust in the letters patent hereinbefore cited.

Any sums received by the corporation of the said city under this section, shall be applied towards the payment of the principal and interest of the debentures issued under the authority of this Act, and shall be invested and applied in the manner provided in like cases by the Upper Canada Municipal Corporations Acts. 16 V. c. 219, s. 3.

4. And be it enacted, that the memorandum of the certificate or award hereinbefore mentioned, signed by the said city surveyor, or any two of the said arbitrators, (which may be in the form or to the effect mentioned in the schedule hereunto annexed marked A) shall be registered by the register of the county of York, without any further evidence of the execution of the said memorandum than the signature of the persons who purport to sign the same, but there shall be produced to such register at the same time, the original certificate of the said city surveyor, and the original appointment in writing of the arbitrators when such memorandum is signed by arbitrators, together with their award, which papers shall be filed by the said register with the said memorandum, and for filing such papers and registering such memorandum for each lot or parcel of land, such register shall receive the sum of two shillings and six pence, and no more. 16 V. c. 219, s. 4.

5. And be it enacted, that any by-law to be passed under this Act, shall not be repealed until the debt or debts created by this Act, and the interest thereon, shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any by-law passed under this Act. 16 V. c. 219, s. 5.

6. And be it enacted, that it shall be the duty of the chamberlain of the said city of Toronto, for the time being, to keep a special account of the said debentures, and to carry the amount received by him arising from the special rate so to be imposed as aforesaid to such account, and to appropriate all and every the sum and sums of money received by him on the said account solely to the liquidation of the principle and interest of the said debentures. 16 V. c. 219, s. 6.

7. And be it enacted, that so soon as the said esplanade shall be completed in the manner above mentioned, and the general regulations as to buildings and improvements under the direction of the corporation upon the system devised by them, shall have been complied with, the mayor, aldermen and commonalty of the said city of Toronto shall forthwith convey to the several and respective owners of the said

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water lots entitled to the same under the said letters patent, the several and respective pieces, parcels and strips of land set forth and described by the said letters patent, and designated on the map or plan thereto annexed: *Pro-Provido.* ^{Annual pay-} ^{ments afore-} ^{said to be} ^{imposed only} ^{on owners} ^{who do not} ^{make their} ^{share of the} ^{esplanade.} ^{Proprietors} ^{may build the} ^{esplanade} ^{themselves on} ^{giving notice} ^{to the cham-} ^{berlain.} ^{Esplanade to} ^{be com-} ^{menced with-} ^{in a certain} ^{time.} ^{Pro-} ^{vided} ^{always,} ^{that} ^{it} ^{shall} ^{and} ^{may} ^{be} ^{lawful} ^{for} ^{any} ^{of} ^{the} ^{owners,} ^{proprietors} ^{or} ^{lessees} ^{of} ^{the} ^{said} ^{water} ^{lots,} ^{to} ^{erect} ^{and} ^{build} ^{that} ^{portion} ^{of} ^{the} ^{said} ^{esplanade,} ^{fronting} ^{upon} ^{or} ^{crossing} ^{their} ^{said} ^{respective} ^{premises,} ^{upon} ^{giving} ^{notice} ⁱⁿ ^{writing} ^{to} ^{the} ^{chamberlain,} ^{for} ^{the} ^{time} ^{being,} ^{of} ^{the} ^{said} ^{city} ^{of} ^{Toronto,} ^{within} ^{two} ^{months} ^{after} ^{the} ^{pass-} ^{ing} ^{of} ^{this} ^{Act,} ^{of} ^{his} ^{and} ^{their} ^{intention} ^{so} ^{to} ^{do} ^{and} ^{erect-} ^{ing} ^{and} ^{building} ^{and} ^{completing} ^{the} ^{same,} ^{according} ^{to} ^{the} ^{conditions} ^{of} ^{the} ^{said} ^{letters} ^{patent} ^{and} ^{the} ^{said} ^{map} ^{and} ^{plan,} ^{within} ^{one} ^{year} ^{from} ^{the} ^{passing} ^{of} ^{this} ^{Act;} ^{And} ^{the} ^{said} ^{special} ^{rate} ^{authorized} ^{to} ^{be} ^{levied} ^{by} ^{this} ^{Act,} ^{shall} ^{be} ^{rated,} ^{imposed} ^{and} ^{assessed} ^{upon} ^{such} ^{only} ^{of} ^{the} ^{said} ^{owners,} ^{lessees} ^{and} ^{proprietors} ^{of} ^{the} ^{said} ^{water} ^{lots} ^{as} ^{shall} ^{neglect} ^{to} ^{give} ^{the} ^{said} ^{notice,} ^{or} ^{refuse} ^{to} ^{erect} ^{and} ^{build} ^{the} ^{said} ^{esplanade} ^{as} ^{aforesaid;} ^{And} ^{provided} ^{always,} ^{that} ^{the} ^{said} ^{mayor,} ^{aldermen} ^{and} ^{commonalty} ^{of} ^{the} ^{said} ^{city,} ^{shall} ^{commence} ^{the} ^{said} ^{esplanade} ^{within} ^{one} ^{year} ^{from} ^{the} ^{said} ^{twenty-ninth} ^{day} ^{of} ^{March,} ^{one} ^{thousand} ^{eight} ^{hundred} ^{and} ^{fifty-three,} ^{and} ^{shall} ^{comply} ^{with,} ^{observe} ^{and} ^{perform} ^{all} ^{and} ^{every} ^{the} ^{reservations,} ^{limitation} ^{and} ^{conditions} ^{contained} ⁱⁿ ^{the} ^{said} ^{license} ^{of} ^{occupation} ^{mentioned} ^{and} ⁱⁿ ^{part} ^{recited} ⁱⁿ ^{the} ^{preamble} ^{to} ^{this} ^{Act.} 16 V. c. 219, s. 7.

8. And whereas by letters patent from the Crown, dated the fourteenth day of July in the year of our Lord, one thousand eight hundred and eighteen, a certain space or strip of land, denominated by the letter H, on the plan of the then town of York, commencing at the top of the bank in the western limit of the old Government Buildings reservation, adjoining the south-east angle of the said town, then, north sixteen degrees west four chains, more or less, to the southern limit of Palace street, then along the southern limit of the said street, and also following the southern limit of Market street and Front street, until it intersects the western limit of Peter street at the west end of the said Town; then, south sixteen degrees east five chains, more or less, to the top of the bank, following its several turnings and windings to the place of beginning, containing thirty acres, more or less, with allowance for the several cross streets leading from the said town to the water, was vested in John Beverley Robinson, William Allan, George Crookshank, Duncan Cameron and Grant Powell, all of the town of York, Esquires, their heirs and assigns, for ever, in trust to hold the same for the use and benefit of the inhabitants of the then town of York, as and for a public walk or mall in front of the said town: Be it enacted, that the said trustees, or the survivors of them, shall have power to transfer and convey the land so held by them as aforesaid

^{Recital of} ^{letters} ^{patent} ^{grant-} ^{ing land in} ^{1818 in trust} ^{for a public} ^{walk or mall.} ^{The said land} ^{may be trans-} ^{ferred to cor-} ^{poration for}

purposes of
the esplanade.

Esplanade to
be made on
the said land
after sur-
render thereof
and grant to
the city.

to the mayor, aldermen and commonalty of the city of Toronto, to hold the same upon the same trusts and conditions as are expressed in the letters patent above referred to; or the said trustees may, at their option, surrender and re-convey the said land to Her Majesty, and the Governor of this Province may thereupon, by an order in council, or otherwise, transfer and convey the said land to the said mayor, aldermen and commonalty of Toronto, upon the same trusts and conditions as are above expressed; and the said mayor, aldermen and commonalty of the said city of Toronto shall have power by this Act, either to make the public walk contemplated in the original grant to the trustees aforesaid, or to continue the esplanade aforesaid through and in front of the said land, or to make such other improvements upon it, for public purposes, as the said city, by its mayor, aldermen and commonalty, may from time to time deem meet; the said mayor, aldermen and commonalty being empowered by this Act to defray the expense of such last mentioned improvements out of the proceeds of the debentures by them hereinbefore authorized to be issued as aforesaid. 16 V. c. 219, s. 8.

Certain in-
struments
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9. And be it enacted, that all documents, securities or debentures, *bond fide* executed or issued before the passing of this Act, by or to the said mayor, aldermen and commonalty of the said city of Toronto, in the name of the said city of Toronto, or in any other form of words designating the same, and to which the corporate seal of the said city has been *bond fide* affixed, shall be good and valid, notwithstanding any variation in the use of the corporation name of the said city in such instruments from the form of words prescribed by the *Upper Canada Municipal Corporations Act of 1849*. 16 V. c. 219, s. 9.

12 V. c. 81.

Right of
ordnance
department
saved.

10. Provided always, and be it enacted, that nothing in this Act shall apply to or affect any lands or property vested in the principal officers of Her Majesty's ordnance, or shall be construed as giving any power to the mayor, aldermen and commonalty of the city of Toronto, to take, use or occupy any such lands, or to oblige the said principal officers to do any thing or allow any thing to be done in respect thereof, or in any way to interfere with or affect the rights of the said principal officers. 16 V. c. 219, s. 10.

Land in front
of parliament
buildings re-
served, and
esplanade
thereon to
be made by
the govern-
ment.

11. Provided also, and be it enacted, that nothing herein contained shall be construed to impair or affect the right of Her Majesty to the land in front of the lot now occupied by the parliament buildings at Toronto, and extending from Simcoe street to John street, but such land shall be and remain vested in Her Majesty for the public uses of the province, and that part of the said Esplanade along and upon such land shall be made under the superintendence of the commissioners of public works. 16 V. c. 219, s. 11.

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12. And be it enacted, that it shall not be lawful for any railway company to carry their railway along, upon or across the said esplanade, without the consent of the Governor in Council, nor if such consent be granted shall any such railway be carried along, upon or across the said esplanade, except upon such line or lines, upon such level, in such manner, and subject to such regulations and conditions as the Governor in Council shall, upon the report of the board of railway commissioners think fit to direct and make; and any railway company which shall be allowed to carry their railway along, upon or across the said esplanade, shall pay such compensation to the said corporation as shall be agreed upon by the said corporation and the company, or if not so agreed upon, shall be fixed by the said board of railway commissioners, and such compensation if so fixed as last aforesaid, may be fixed at a sum payable once for all or at a certain sum payable periodically; and if any railway company whose railway shall be carried along the said esplanade, shall be desirous of having a terminus upon or in the vicinity of the said esplanade, then such terminus may be made at such place, and with such extent of ground, and subject to such other conditions as the said board of railway commissioners shall determine. 16 V. c. 219, s. 12.

Provision touching Railways crossing or carried along, etc., the esplanade.

Compensation by such Company.

Board of Railway Commissioners to settle terminus of any such Railway.

13. And be it enacted, that no debentures of the said corporation of the said city of Toronto, to be issued under the authority of this Act, shall be sold by the said corporation for less than their par value, bearing six per cent. interest per annum. 16 V. c. 219, s. 13.

No debentures under this Act to be disposed of under par.

14. And be it enacted, that this Act shall be a Public Act. 16 V. c. 219, s. 14.

Public Act.

SCHEDULE A.

ESPLANADE DEBT.

No. of Lot.	Name of Owner.	Description of Land.	Amount chargeable thereon in favor of the City of Toronto for Esplanade Improvement.
1	John Jones.	In front of Water Lot No. 5, granted or leased to Joseph Styles or described as follows, that is to say: bounded East by, etc.	Forty pounds. John Doe, } Arbitrators. Richard Roe, } or Wright Line. City Surveyor.

16 V. c. 219, Sched.

18 Vict. c. 175.

An Act to authorize the Grand Trunk Railway Company of Canada to change the location of their line in and near the City of Toronto.

[Assented to 19th May, 1855.]

Preamble.

Agreement of the company and the corporation of Toronto rescinded.

Breach by the said corporation.

WHEREAS the mayor, aldermen and commonalty of the city of Toronto, did by their agreement, made and entered into on the fourth day of January, one thousand eight hundred and fifty-four, covenant and agree to give and provide for the use of the Grand Trunk Railway Company of Canada, over, upon, across and along the esplanade, to be constructed by the said city along the front thereof, three railway tracks, occupying a space of forty feet in width of the said esplanade, at and for the price or sum of ten thousand pounds of lawful money of this Province; and whereas the said company, after and in pursuance of the said agreement, did thereupon locate their line according to law, in such mode and direction as to enable them to make the connection between the eastern section of their railway lying to the east of the said city, and the western section thereof lying to the west of the said city, over, upon, across, and along the said esplanade; and whereas the said company, in consequence of the said covenant so made and entered into on the part of the said city, have proceeded with the execution of their works both east and west of the said esplanade, and have nearly completed the same at a very large outlay; and whereas the works of the said railway between Stratford and Toronto, are in such an advanced state towards completion as to admit of their being opened for traffic during the ensuing autumn, and also for a distance extending from the said city eastward, nearly forty miles, it has become necessary to complete forthwith the connection between the said sections and to erect the necessary station buildings and sidings for the proper working of the said railway; and whereas the mayor, aldermen and commonalty of the said city of Toronto, did on the sixteenth day of April, one thousand eight hundred and fifty-five, by a formal vote of their council, resolve to annul the said contract and to break their said covenant, to the great damage, loss, and inconvenience of the said company, whereby the said company are likely to be deprived of the advantages of their connection along the said esplanade; and whereas it has in consequence become necessary to afford relief to the said Grand Trunk Railway Company of Canada and to give it the necessary powers to alter the location of their line in and near the said city of Toronto in order to connect their said sections to the east and west of the said city:

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Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

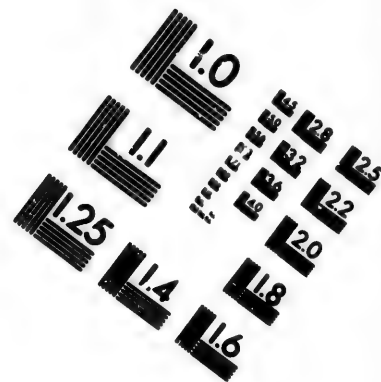
1. That it shall and may be lawful for the said Grand Trunk Railway Company of Canada, to alter the location of their said line in such manner as may be found necessary to enable them to make and complete the connection between that portion of their line east of the said city of Toronto, and that portion west of the said city, by such route as may be found most convenient and advantageous; and for this purpose it shall and may be lawful for the said Grand Trunk Railway Company of Canada, to acquire, purchase, and hold in the manner prescribed by law, all necessary land required in and near the said city of Toronto; and also to pass through, across, over, upon and along such street, or streets, of the said city of Toronto, or parts thereof, and lay down the necessary tracks and sidings within the limits of the said city and its liberties as may be necessary for the purposes aforesaid: *Provided, nevertheless, that if the said city of Toronto shall, within two years, proceed with and complete the said esplanade in such manner as to afford the said Grand Trunk Railway Company of Canada the right of way over, upon, across and along the same, the said railway company shall be bound and obliged to carry and construct their said railway over, upon, across and along the said esplanade when so completed, on being required so to do by the said city of Toronto, and on payment by the said city of all expenditure and damages incurred by the said railway company, in the construction of the necessary works to complete the connection of their said sections of their railway east and west of the said city by such routes as the said Grand Trunk Railway Company of Canada may select under the authority of this Act; And provided also, that if the corporation of the said city and the Grand Trunk Railway Company of Canada cannot agree upon the location of the said line of railway, as authorized by this Act, through any street, or streets, of the said city, or the compensation therefor, if any, then the board of railway commissioners shall, upon receipt of written notice thereof from either the said company or the said city, have full power and authority to decide upon the said location, and to determine the amount of remuneration, if any, to be paid to the said corporation by the said company, and such decision shall be final and binding upon both parties.* 18 V. c. 175, s. 1.

Company empowered to alter the location of their line and acquire the necessary property, etc.

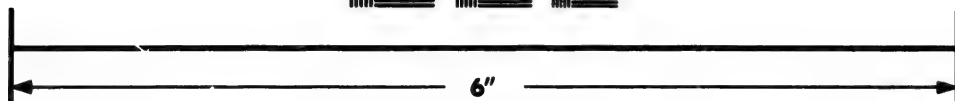
Provided. If the corporation complete the esplanade and allow the company the right of way.

Board of railway commissioners to decide certain matters if the company and the corporation disagree.





Resolution test chart showing patterns of vertical and horizontal lines with numerical values ranging from 1.0 to 2.5.



Photographic Sciences Corporation

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WEBSTER, N.Y. 14580
(716) 872-4503**

Company may contract to make the esplanade.

Corporation empowered to raise the sums required for purposes connected with the esplanade. Company as contractors may go to arbitration with owners of water lots.

2. And be it enacted, that it shall and may be lawful for the said company to make any contract or contracts with the said city of Toronto for the construction of the said esplanade according to such plan and upon such terms as may be agreed upon between them, anything in any former statute to the contrary notwithstanding; and the said city shall have full power and authority on such contracts being made to pass any by-law or by-laws for raising any money or issuing any debentures that may be necessary for the construction of the said esplanade under any such contract, and for the payment of any moneys for any arrangement or arbitration with any water lot owner or lessee, and the said company shall also have power and authority to make such arrangement or proceed to such arbitration, if they shall deem it advisable to do so, and any such arbitration as herein mentioned shall be in accordance with the provisions made for arbitrations, under the provisions of the Acts relating to the said company. 18 V. c. 175, s. 2.

Public Act.

3. This Act shall be a public Act. 18 V. c. 175, s. 3.

20 Viet c. 30.

An Act to amend the Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade and to enable the said City to locate the Grand Trunk Railroad and other Railroads along the frontage of the said City.

[Assented to 10th June, 1857.]

Preamble.

16 V. c. 219, cited.

WHEREAS under and by virtue of the Act sixteenth Victoria, chapter two hundred and nineteen, the mayor, alderman and commonalty of the city of Toronto, have contracted with the Grand Trunk Railway of Canada, for the building and construction of an esplanade in front of the said city, according to a certain plan to the said contract annexed, a copy of which plan has been filed and deposited in the office of the commissioner of Crown lands in this Province, and it has become necessary to grant further and other powers to the said the mayor, alderman and commonalty of the city of Toronto, to enable them to complete the said esplanade, according to the said contract, and certain other work connected therewith:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall and may be lawful for the said mayor, aldermen and commonalty of the city of Toronto, and for their contractors, workmen, servants and agents, to enter in and upon all lands and water lots, and to cross all wharves, docks, piers and premises lying within the limits of the said esplanade, as laid down on the said plan annexed to the said contract, and take possession thereof, and use and occupy the same to the width of one hundred feet for the purposes of the said esplanade, and to take down and remove all buildings and erections now being upon the said line of the said esplanade, as laid down on the said plan so annexed to the said contract, and filed and deposited in the said office as aforesaid, and to locate the roadway, of the said Grand Trunk Railway and other Railways to the width of forty feet thereon, as shown on the said plan doing no unnecessary damage and interfering with and interrupting the approach to and the use of the said wharves, docks and piers upon any of the water lots crossed for the purpose of the said esplanade as little as possible; Provided always, that nothing in this or any previous Act contained, shall prevent the said mayor, aldermen, and commonalty of the city of Toronto, and the several railway companies interested therein, by and with the consent of the Governor in Council, within two years from the passing of this Act, from locating the different lines of the said railways along the frontage of the said city, in such manner between the said forty feet mentioned in the said contract and according to the said plan, and the south side of Front street from the Queen's Wharf to Yonge street in the said city, as shall be most conducive to the public interests. 20 V. c. 80, s. 1.

The corporation of Toronto may enter upon and take lands to a certain extent for the esplanade.

Doing no unnecessary damage.

Proviso: Act not to prevent the locating of the railway in a certain manner.

2. It shall and may be lawful for the said mayor, aldermen, and commonalty of the city of Toronto, to contract with the said Grand Trunk Railway Company of Canada, or any person or persons, company or companies forthwith (and during the construction of the said esplanade under the said contract), to fill up and grade to the level of the said esplanade, as laid down on the said plan, the whole space lying between the northern limit of the said esplanade as laid down on the said plan annexed to the said contract, and now in the course of construction, and the present shore of the bay of Toronto, and extending from the said esplanade eastward to Cherry street, and westward to the Queen's Wharf, and to enter in and upon and pass over and along all the water lots in front of the said city for that purpose, interfering with and interrupting the approach to all wharves, docks, and piers, and the

The said corporation may contract for filling the whole space from the northern limit of the esplanade to the bay, and enter upon property for purpose of filling up the said space.

How the cost of filling shall be paid.

enjoyment of the same, by their respective owners and occupiers as little as possible; and the expenses of filling up and grading the same, shall be ascertained in manner hereinafter mentioned, and shall be repaid to the said mayor, aldermen, and commonalty of the city of Toronto, by the owners and other persons having estates in the land on which such grading, levelling and filling in shall be done, such persons being charged in an equitable proportion according to the nature and extent of their estate in the said lands, and any contract or contracts for the like purpose that may heretofore and before the passing of this Act have been entered into by the mayor of the said city of Toronto, on the behalf of the said city, under the sanction and authority of any resolution of the common council of the said city, shall be legal, valid, and binding on all parties named in the said contract, and shall be taken and considered for all intents, purposes, and uses whatsoever, as a contract made under the authority and provisions of this Act; Provided always, that the amount to be paid to the city for the said filling in, grading, and levelling of such vacant space, shall be ascertained in the first instance by the city surveyor, in manner as provided in the said Act in respect to the said esplanade, and all sums to be paid to the owners of water lots in fee, their assignees, lessees, or representatives, in respect of the land or lands covered with water taken by the said mayor, aldermen, and commonalty of the city of Toronto, for the purposes of the said esplanade, as well as the amounts to be paid to the said mayor, aldermen, and commonalty of the city of Toronto, by the lessees or occupants of the water lots belonging to the city of Toronto for the construction of the said esplanade, or by any party or parties whomsoever, for the filling up, grading, and levelling of the said space north of the esplanade hereinbefore mentioned, and if the same cannot be agreed upon and adjusted between the said parties interested therein, shall be ascertained and settled by arbitration, in the same manner as is provided in other cases by the said recited Act, and every arbitrator appointed under the said recited Act or this Act shall, before entering upon the duties of his said office, be sworn before one of the judges of the superior courts of this province, well, truly, and faithfully, and without partiality to fulfil the duties thereof to the best of his judgment. 20 V. c. 80, s. 2.

Proviso : mode of ascertaining the share of the cost to be paid by each party interested.

Arbitration in case of non-agreement.

The said corporation may forthwith borrow money for defraying the cost of the said filling.

3. For and notwithstanding any Act of the Parliament of this Province, or any clause, matter, or thing therein contained to the contrary, it shall and may be lawful for the mayor, aldermen, and commonalty of the city of Toronto, forthwith and without further notice or other proceeding, to pass a by-law to raise a loan for such an amount, not exceeding seventy-five thousand pounds, as may be necessary for the purpose of filling in, grading and

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levelling the said space between the north line of the esplanade and the shore of the bay, and the extensions thereof as aforesaid, and to issue any number of debentures payable in this Province or elsewhere, in sums of not less than one hundred pounds, which may be requisite and necessary therefor, payable in twenty years from the respective dates thereof, and for the purpose of redeeming the same and paying the interest thereon, a special rate may be imposed as provided in the Act hereinbefore mentioned, and shall be applied in payment of interest and in forming a sinking fund for principal in like manner as therein provided. 20 V. c. 80, s. 3.

4. And whereas the property directed by the letters ^{Recital.} patent of the twenty-first February, one thousand eight hundred and forty, mentioned in the said Act, to be conveyed to the said water lot owners therein referred to, was intended as a compensation for the land which might be taken from them respectively for the esplanade, and for the expense of making so much thereof as should be made on the lands taken from them respectively; Be it enacted, that the owners be respectively charged with their respective shares of such expense; and if any such water lot owner or person having estate in any such water lot, shall be dissatisfied with any such compensation, his claim to a further allowance shall, if not agreed upon, be determined by arbitration as aforesaid, and in coming to such decision, the said arbitrators shall take into consideration the increased value, etc., to be taken into consideration. of the lots by means of the improvements contemplated by this Act, as well as all other matters connected therewith, and also the value of the strips of land between the same and the top of the bank, and of the land covered with water in front thereof to be conveyed to the owners in fee of the said water lots under the provisions of the Act first above mentioned, and if such increased value of the said water lots and the value of the said strips of land and portions of land covered with water, together with the expense of constructing the said esplanade, shall equal the value of the land taken for the esplanade, it shall be the duty of the arbitrators to decide in favour of the city generally, and if it shall exceed the value of the land taken, then to decide that such excess shall be paid to the city by the said water lot owners in manner provided by the said Act hereinbefore mentioned, for payments to the city for the construction of the said esplanade; Provided ^{Excess of value may be awarded to the city.} that nothing in this section contained, shall affect the right, if any, of any party who may claim any strip of land covered by water or otherwise, adjoining the water lots granted by any patent issued prior to the said twenty-first day of February, one thousand eight hundred and forty, but the rights of such party, if any, to such strips of land shall remain the same as before the passing of this Act. 20 V. c. 80, s. 4. ^{Province: Act not to affect certain rights.}

As to payment of sums coming to the said corporation from owners of water lots.

5. All sums of money ordered to be paid by the said mayor, aldermen and commonalty of the city of Toronto, to the owners of the said water lots in fee, shall be paid within one year from the date of the decision of the said arbitrators, or from the date of any rule of court ordering the same, with interest, and the sum to be paid to the mayor, aldermen and commonalty of the city of Toronto, by the lessees of water lots belonging to the said city of Toronto, and by all parties whomsoever, for the filling up, grading and levelling between the esplanade and the shore of the Bay, shall be a charge upon the lands in respect to which the same is payable, in the manner provided as to the esplanade by the first mentioned Act, from the time a certificate of the said decision of the said arbitrators signed by them, or a certificate of a rule on any appeal under the seal of the court from whence it issues, shall be registered in the registry office of the county of York, for the purpose of which registry no other proof shall be required than proof by affidavit of the handwriting of the said arbitrators, or the seal of the said court; and such moneys last mentioned shall be payable and recoverable if not paid, in the manner provided for in the Act first above mentioned, and shall be applied as by the said Act is also directed. 20 V. c. 80, s. 5.

The said corporation may lease or sell a certain strip of land, notwithstanding any condition in the patent granting it.

Application of moneys arising therefrom.

6. For and notwithstanding any matter or thing contained in the patent from the Crown, dated the fourteenth day of July, one thousand eight hundred and eighteen, mentioned in the eighth section of the Act hereinbefore referred to, it shall and may be lawful for the said mayor, aldermen and commonalty of the city of Toronto, to lease for any term or terms of years, or to agree for the sale of and absolutely to sell and dispose of the space or strip of land in the said patent and section of the said Act described, freed and discharged from any and all of the said trusts, conditions and restrictions in the said patent contained; and all moneys received therefor, whether by way of rent or otherwise, shall be carried to a special account by the chamberlain of the city of Toronto, and shall be expended by the said mayor, aldermen and commonalty of the city of Toronto, in the purchase, planting, ornamenting and care of some other piece or parcel of land to be held by the said mayor, aldermen and commonalty of the city of Toronto, upon similar trusts as are in the said patent contained and set forth. 20 V. c. 80, s. 6.

Act not to affect lands formerly vested in the ordinance department.

7. Provided always, that nothing in this Act contained shall apply to or affect any of the lands or property formerly vested in the principal officers of Her Majesty's ordinance and referred to in the Act passed in the nineteenth year of Her Majesty's reign, chaptered forty-five, or any lands or property of Her Majesty, nor shall any of the

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powers herein given to the mayor, aldermen and commonalty of the city of Toronto, be construed as in any way applying thereto. 20 V. c. 80, s. 7.

8. This Act shall be taken to be a Public Act. 20 V. Public Act. c. 80, s. 8.

28 Viot. c. 34.

An Act to Legalize and confirm an agreement made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company and the Northern Railway Company of Canada, relating to the Toronto Esplanade, and for other purposes therein mentioned.

[Assented to 18th March, 1865.]

WHEREAS, an agreement, bearing date the twenty-second day of December, in the year of Our Lord one thousand eight hundred and sixty-four, has been made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company and the Northern Railway Company of Canada, for the settlement of differences, and to define the rights, privileges, and obligations of the several companies towards each other in respect to the esplanade in the city of Toronto, and the use thereof, and for other purposes therein set forth, which said agreement is set out in the schedule to this Act; And whereas the said companies have petitioned that the said agreement may be confirmed, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said agreement, bearing date the twenty-second day of December, in the year of Our Lord one thousand eight hundred and sixty-four, and which forms the schedule to this Act, is hereby confirmed; and all and singular the provisions, stipulations, covenants and agreements, and other matters and things in the said agreement contained, shall be valid and binding upon the said several railway companies according to the tenor and effect of the said agreement. 28 V. c. 34, s. 1.

Agreement between certain railway companies in relation to esplanade confirmed.

2. Esplanade street shall be deemed a public highway, and it shall and may be lawful for the corporation of the city of Toronto, to grant to the said several railway com-

Esplanade street to be deemed a public high-

way and railway companies may have a right of way thereon. companies, a right of way over, upon and along twelve feet six inches off the south part thereof for railway purposes, as in the fifth clause of the said agreement provided; and the said right of way of twelve feet six inches, and of the twelve feet six inches off the north part of the south forty feet of said esplanade, shall be thereafter used and enjoyed by the said railway companies for railway purposes as in the said agreement mentioned. 28 V. c. 34, s. 2.

Railway companies to have and exercise the rights, etc., stipulated in the agreement.

Proviso.

3. It shall and may be lawful for the said railway companies, to exercise, have and enjoy, in and upon the Toronto esplanade, all and singular the rights, easements, privileges, and powers in the said agreement mentioned; but the south twenty-seven feet six inches of the said south forty feet of said esplanade shall, for railway purposes, be exclusively used and enjoyed by the said Grand Trunk Railway Company, as in the said agreement mentioned; provided that nothing in this Act or in the said agreement contained, shall be understood or construed to grant or convey to the said railway companies or any of them, an estate in fee in the said Esplanade or any part thereof. 28 V. c. 34, s. 3.

Spaces between tracks to be so constructed by railway companies as to be sufficient for crossing at any point.

4. It shall, from time to time, as the same may be required for public use, be the duty of the said railway companies, at their own expense as hereinafter specified, so to construct the spaces between the rails and between the tracks, and all the spaces on and over the southerly fifty-two feet six inches—(the Grand Trunk Railway Company as to the south twenty-seven feet six inches, and the said three companies as to the twenty-five feet north thereof)—as shall be proper and sufficient for crossing the said rails and tracks at any point, and shall so construct the same as to the level at which the same shall be, relatively to the said rails and otherwise, and as to the materials to be used, such as ballast, broken stone, paving or planking, and as to the manner in which the same shall be so constructed, as the said corporation of the city of Toronto shall approve, and shall always thereafter keep and maintain the same in an efficient state of repair upon notice from the said corporation of the city of Toronto. 28 V. c. 34, s. 4.

Companies not to allow their engines, trains, etc., to remain standing on the tracks.

5. The said companies shall not, nor shall either of them leave standing upon the said tracks or upon the switches, or upon the said twenty-five feet, any trains, cars, engines, materials, appliances, stock, freight, goods, or other things, other than those cars, engines and trains, required for the purposes of their trade with the city of Toronto in loading or discharging freight and for passenger traffic, nor for any longer time nor more frequently nor otherwise than shall be necessary for such purposes, nor shall they dis-

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charge or unload their cars on any street crossing. 28 V. c. 34, s. 5.

6. In the event of differences arising at any time between the corporation of the city of Toronto and the said railway companies as to the loading, unloading, or discharging of freight, or the alleged inconvenience of the places where the same is conducted, or the times and manner of doing so, or any other obstructions arising out of any of the matters or causes in the last preceding section mentioned, the same shall be settled by reference to the railway inspector appointed or to be appointed by the railway commissioners. 28 V. c. 34, s. 6.

7. It shall not be lawful for any or either of the said railway companies to run their engines or trains over or along said esplanade at a greater rate of speed than four miles an hour, unless permitted so to do by by-law of the said corporation of the city of Toronto, but in no case to exceed the rate of six miles an hour. 28 V. c. 34, s. 7.

8. In case the said corporation of the city of Toronto shall refuse to grant the said twelve feet six inches of the south part of esplanade street to the said railway companies, the agreement in the schedule to this Act, and this Act shall become inoperative, and the said corporation of the city of Toronto and the said railway companies shall severally be remitted to the position in which they severally were before the making of the said agreement first hereinbefore mentioned, notwithstanding anything in the said agreement or in this Act contained. 28 V. c. 34, s. 8.

9. This Act shall be a Public Act. 28 V. c. 34, s. 9. Public Act.

SCHEDULE TO THE FOREGOING ACT.

Articles of agreement had, made, entered into, and fully agreed upon, the twenty-second day of December, in the year of Our Lord one thousand eight hundred and sixty-four, by and between the Grand Trunk Railway Company of Canada of the first part, the Great Western Railway Company of the second part, and the Northern Railway Company of Canada, of the third part:

Whereas differences have arisen between the said railway companies parties hereto as to their respective rights upon the esplanade in the city of Toronto:—For the settlement of these differences and clearly to define the rights, privileges, and obligations of the said several companies towards each other in respect to the said esplanade, and the use thereof, they have mutually and respectively

agreed to become parties to these presents, and to be bound by the covenants, provisions, and stipulations, hereinafter contained.

Firstly.—It is hereby declared and agreed by and between the several companies, parties hereto, that it shall and may be lawful for the said Northern Railway Company, and their successors, and they are hereby fully authorized and empowered at any time when judged expedient by the said company so to do, to lay down, construct, maintain, and keep on the north twelve feet six inches of the south, forty feet of the said esplanade, a track or tracks extending from their present railway station easterly to a point a short distant west of the lot known as Dr. Rees' lot, being the point where the main line of the Grand Trunk Railway now crosses Esplanade street near Rees' wharf, and at the said point to join and connect with the said Grand Trunk main line, and to run the trains, locomotives, and cars of any description of the said Northern Railway Company, on and over the said Grand Trunk main line, from the said point of intersection to York street; subject nevertheless, to the provisions contained in clauses eight and nine of this agreement; and until such track shall be laid and constructed, it shall and may be lawful for, and the said Northern Railway Company are hereby expressly declared to have the right, easement, privilege, and power to use one of the tracks of the said Grand Trunk Railway now laid from Brock to York street aforesaid, for the running of trains, cars, and locomotives, and to connect at Brock street aforesaid, with the said Grand Trunk line by means of the necessary switch for that purpose.

Secondly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful, from time to time, and at all times hereafter, for the said Great Western Railway Company, and they are hereby declared to have the right, easement, privilege, and power to join and connect with the said Grand Trunk Railway Company's main line by means of a switch at a point near Peter street, and to run the trains, locomotives, and cars of any description of the said Great Western Railway Company, on and along the said Grand Trunk line from the point of junction aforesaid, easterly to York street aforesaid; subject, nevertheless, to the provisions contained in the eighth and ninth clauses of this agreement.

Thirdly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall be the duty of the said Grand Trunk Railway Company, with all reasonable speed, and on or before the fifteenth day of May, in the year of Our Lord, one thousand eight hundred and sixty-five, if the Act for legalizing and confirming the agreement hereinafter men-

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tioned, be passed during the next ensuing session of Parliament, to make, build and lay a railway track of the proper gauge, and in a substantial and workmanlike manner on the north twelve feet six inches of the said south forty feet of the said esplanade, extending easterly to the end of the said esplanade, from the point at York street, where the privilege of running over the said line of the Grand Trunk Railway granted to the said Northern Railway Company and the said Great Western Railway under clauses one and two of this agreement terminates, and it shall and may be lawful for the said several railway companies, parties hereto, to use and enjoy the said track so constructed, in common, for the traffic and running purposes of the said several railways; Provided, always, that it shall not be lawful for the said Grand Trunk Railway Company to use the said track in any manner for the through traffic purposes of that company.

Fourthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that the south twenty-seven feet six inches of the said south forty feet of the said esplanade, shall, for railway purposes, be vested in and exclusively used and enjoyed by the said Grand Trunk Railway Company.

Fifthly.—It is hereby further agreed by and between the said several companies, parties hereto, that application shall be made on behalf of said companies to the corporation of the city of Toronto, to grant to the said several railway companies, parties hereto, and their respective successors, twelve feet six inches in width of the south part of Esplanade street, adjoining the northern limit of the said south forty feet of the said esplanade, along the whole length of said Esplanade street, for railway purposes; and the said piece of land so granted shall be vested in the said several railway companies in common, to be used for sidings for loading and unloading freight, and purposes necessarily incidental thereto; such sidings to be completed on or before the fifteenth day of May, in the year of Our Lord one thousand eight hundred and sixty-five.

Sixthly.—And it is hereby further declared and agreed by and between the said several railway companies, parties hereto, that application on their behalf shall be made to the Parliament of this Province for an Act to legalize and confirm this agreement and the provisions therein contained, and to vest in the said several railway companies in common for railway purposes, the said two strips of land of twelve feet six inches each, being the north twelve feet six inches of the said south forty feet of the said esplanade, and the south twelve feet six inches of Esplanade street, together making a strip of land twenty-five feet in width along the whole length of the said esplanade east-

erly from York street; subject, nevertheless, to the respective rights of the said several railway companies as herein declared in relation to each other; And the manner of working the several trains of the said companies upon the said tracks on the twenty-five feet to be used in common, easterly from York street to the end of the esplanade, shall be mutually agreed upon between the said companies, and failing such agreement shall be settled by arbitration in the manner provided for in clause twelve of this agreement; and that upon the said Act being obtained, the grant by the city of Toronto of twenty-five feet of land along said esplanade to the Great Western Railway Company, and the Northern Railway Company, shall become and be null and void; Provided always, that nothing contained in clauses four, five and six of this agreement shall be held or taken in any way to interfere with the rights of the public as now existing, to cross for the purposes of ordinary traffic the fifty-two feet six inches used for making tracks, nor to prevent the said railway companies in the same manner as and as part of the general public crossing the same, but nothing herein contained shall authorize the crossing the same by means of railway tracks or rails.

Seventhly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that upon, from and after the passing of the said Act, all claim and right whatsoever, which the Grand Trunk Railway Company may have, or pretend to have, to any right of way or other easement or privilege upon or through the grounds of the said Northern Railway Company, as now enclosed between Brock street and Bathurst street, shall cease, determine and be wholly void.

Eighthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that from the points where the Northern Railway and the Great Western Railway respectively join the Grand Trunk line to York street, the use of said Grand Trunk line, shall be in accordance with, and under the running regulations of the Grand Trunk Railway Company, and trains shall have precedence or rights in the following order:

- 1st. Grand Trunk passenger trains.
- 2nd. Passenger trains of the said other companies.
- 3rd. Freight trains of the Grand Trunk.
- 4th. Freight trains of the said other companies.
- 5th. Special and irregular, and other trains to be run in the same order, Grand Trunk first, and the trains of the same class or denomination as the Grand Trunk, of the other companies, next in order.

Ninthly.—It is hereby further declared and agreed by and between the said railway companies, parties hereto, that the switches and signals used in getting on and off

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the Grand Trunk line, when the said line is used by the said other companies as well as at other times, shall be under the sole control and management of the Grand Trunk Railway Company, and the servants thereof.

Tenthly.—It is hereby further declared and agreed by and between the said railway companies, parties hereto, that the line of sidings to be laid and constructed on the said twelve feet six inches of the south part of Esplanade street, as mentioned in the fifth clause of this agreement, shall be divided among the said several railway companies in the manner to be hereafter mutually arranged between said companies, or in case of disagreement, by arbitration as hereinafter provided.

Eleventhly.—It is hereby further declared and agreed by and between the said railway companies, parties hereto, that if the Act for legalizing and confirming of this agreement, is passed during the next ensuing session of Parliament, the present track used by the Great Western Railway Company from Peter street to the esplanade, shall be discontinued and removed by the fifteenth day of May, in the year of Our Lord, one thousand eight hundred and sixty-five.

Twelfthly.—It is hereby further declared and agreed by and between the said railway companies, parties hereto, that the payments or compensation to be made by the said companies respectively to the others, or other of them for the facilities herein provided and exchanged between them respectively in relation to the use of the lines and sidings as set forth in this agreement, shall, in case the same cannot be mutually agreed upon within three months from the passing of the said Act, be settled and determined by the President of the Pennsylvania Central Railroad Company for the time being, and in the event of his refusing to act in the settlement thereof, then such payment or compensation shall be settled and determined by some other person to be mutually agreed upon by the said companies respectively; and if the said companies cannot agree upon such arbitrator, then upon application of any of the parties hereto, it shall be lawful for any one of the judges of the superior courts at Toronto, to nominate and appoint an arbitrator to determine such compensation; Provided always, that any award to be made by the arbitrator under this agreement, so far as the same shall determine any charge (not being a payment for past capital expenditure) to be paid by any of the said companies to the others or other, shall be open to reconsideration and redetermination at the expiration of five years, and at the expiration of every succeeding five years, the arbitrator to be mutually agreed upon or appointed by judge as hereinbefore determined.

Thirteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties

hereto, that all legal proceedings at law or in equity now pending between the said companies, or any of them, in relation to the said esplanade, or the rights of the said companies or any of them, to lay down tracks upon, or otherwise use the said esplanade or any part thereof, or in any manner relating to the matters in this agreement provided for, shall for the present be suspended; and upon the passing of the said Act, shall be absolutely abandoned; and in case the said Act shall not be obtained, all such legal proceedings, whether at law or in equity, shall or may be taken up and continued, as if this agreement had never been made; Provided always, that the party who had to take the next step on the twenty-second day of December, in the year of our Lord, one thousand eight hundred and sixty-four, shall have two weeks next after the end of the session of Parliament in which the said Act shall be rejected, to take such step.

Fourteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful for the said Great Western Railway Company to make the connection of their line with the Grand Trunk line at Peter street at once; Provided always, that their present line shall remain as it is until the said Act is obtained, or if the said Act be obtained before the fifteenth day of May, one thousand eight hundred and sixty-five, then until the said fifteenth day of May, one thousand eight hundred and sixty-five.

Fifteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful for the said Great Western Railway Company, and the said Northern Railway Company to use in common with the Grand Trunk Railway Company, the present sidings of the said Grand Trunk Railway Company on the said esplanade, east of York street, until the arrangements by this agreement provided for, are carried into effect, or until the said Act shall be rejected.

Sixteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that each of the said companies shall and will use every exertion and all fair and legitimate means to procure and obtain the passing of the said Act by the Parliament of this Province, to legalize and carry into effect this agreement; and that they shall and will bear the expenses of obtaining the said Act, or of the attempt so to do, and all necessary proceedings connected therewith and with this agreement, in equal proportions.

The said Grand Trunk Railway Company hereby covenants to and with the said Great Western Railway Company and the said Northern Railway Company respectively, that the said Grand Trunk Railway Company shall and

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will, from time to time, and at all times hereafter, well and truly observe, perform, fulfil and keep all and every the stipulations and agreements hereinbefore contained, and which on the part and behalf of the said Grand Trunk Railway Company, according to the tenor and effect, true intent and meaning of this agreement, ought to be observed, performed, fulfilled and kept; and shall not, nor will wilfully or improperly hinder or prevent the said Great Western Railway Company and the said Northern Railway Company, or either of them, in the due and proper use and exercise in accordance with this agreement, of any of the lines, switches, sidings, or rights, easements or privileges to which they or either of them, are by this agreement entitled, or to which they or either of them, shall by the said Act become entitled, and shall and will at all times hereafter do all things necessary on their part to enable the said other companies to use the said portion of the said Grand Trunk line on which, by the terms of this agreement, the said other companies have the right to run their trains, locomotives, and cars in the manner hereinbefore in that behalf provided, according to the tenor and effect, true intent and meaning of these presents.

And the said Great Western Railway Company hereby covenants to, and with the said Grand Trunk Railway Company, and the said Northern Railway Company, and each of them, that the said the Great Western Railway Company, shall and will in all things, on their part and behalf, well and truly observe, fulfil, perform, and keep the stipulations and agreements herein contained, and shall not, nor will, in the use of the said Grand Trunk line or sidings, or of the tracks and sidings to be constructed or jointly used as aforesaid, wilfully or improperly hinder or obstruct the just and reasonable use thereof by the said Grand Trunk Railway Company or the said Northern Railway Company, contrary to the true intent and meaning of this agreement.

And the said Northern Railway Company doth hereby covenant to, and with the said Grand Trunk Railway Company and the said Great Western Railway Company respectively, that the said Northern Railway Company shall, and will, in all things on their part and behalf, well and truly observe, perform, fulfil, and keep the stipulations and agreements herein contained, and shall not, nor will, in the use of the said Grand Trunk line or sidings, or of the track and sidings to be constructed or jointly used as aforesaid, wilfully or improperly hinder or obstruct the just and reasonable use thereof by the said Grand Trunk Railway Company, or the said Great Western Railway Company, contrary to the true intent and meaning of this agreement.

And lastly, it is hereby further agreed by and between the said railway companies, parties hereto, that each com-

pany shall have power at any time hereafter, to establish and work any passenger and freight station on the north side of Esplanade street, east of Bay street, that it may select, and shall have authority to purchase land for the same, and shall be at liberty to cross Esplanade street to such place and in such manner as may be necessary for convenient access to such station; provided always, that no such crossing or access shall, in any way, interfere with or inconvenience any crossing or access to the station grounds of the other.

In witness whereof, the said several railway companies have hereunto set their respective corporate seals, the day and year first above written.

Sealed with the Corporate Seal of the
Grand Trunk Railway Company
by the Hon. James Ferrier who at
the same time and in my presence
delivered the same on behalf of the
said Company, and affixed his signature thereto.

J. FERRIER,
Chairman.

Corporate Seal of
Grand Trunk Railway
Company.

W. WAINWRIGHT.

Sealed with the Corporate Seal of
the Great Western Railway Com-
pany by the Hon. William Mc-
Master, who at the same time
and in my presence, delivered
the same on behalf of the said
Company, and affixed his signature thereto.

W. MCMASTER,
Chairman.

Corporate Seal of the
Great Western Railway
Company.

GEO. B. SPRIGGS.

Witness to signature of Fred.
Cumberland.
J. PENNINGTON MACPHERSON.

FRED. CUMBERLAND,
Managing Director.
N. R. Co.

Witness to the signature of
Thomas. Hamilton.
GEO. R. HAMILTON.

THO. HAMILTON,
Secretary N. R. Co.

Corporate Seal of
the Northern Rail-
way Company.

28 V. c. 34, Sched.

35 Vict. c. 46 (Ont.).

An Act to amend the several Acts relating to the Toronto Grey and Bruce Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Toronto, Grey and Bruce Railway Com-
pany have prayed for certain amendments to the

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Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, intituled "An Act to Incorporate the Toronto, Grey and Bruce Railway Company," and the Act passed in the thirty-second year of Her Majesty's reign, chaptered eighty-two, and the Act passed in the thirty-third year of Her Majesty's reign, chaptered forty-one, and for an extension of the powers conferred upon them thereby; And whereas * * * the said company have obtained, under an agreement entered into with the Grand Trunk Railway Company of Canada, running powers over a certain portion of the Grand Trunk Railway, and are in occupation under a lease from the said Grand Trunk Railway Company of lands and buildings for their station grounds and workshops adjoining the Queen's wharf, in the city of Toronto, and are in the occupation under a lease from the harbour commissioners of the Toronto harbour of the said Queen's wharf; And whereas the said company are desirous of obtaining direct access to the said station ground and workshops and Queen's wharf from the main line of their railway, or the main line of the Grand Trunk Railway, running over the esplanade in the city of Toronto;

* * * * *

3. Notwithstanding any Act or law in force to the contrary (and notwithstanding the title of the Crown or of any corporation, company or individual), the said the Toronto, Grey and Bruce Railway Company shall have power to lay and maintain a track of such gauge or gauges as they shall require to connect the track or main line of their said railway, or the main line of the Grand Trunk Railway running over or along the said esplanade with the said station grounds and workshops and Queen's Wharf through the lands now in the occupation of the Northern Railway Company and the Great Western Railway Company, lying between the said main line of the Grand Trunk Railway and the said station grounds and workshops and Queen's Wharf; Provided that such tracks be laid so that no alteration of the present level of the tracks of the Northern Railway and Great Western Railway, or either of them, shall be occasioned thereby; and provided that the said Toronto, Grey and Bruce Railway Company do pay such annual rental as may be agreed upon to the said Northern Railway Company and Great Western Railway Company respectively, for the land to be taken from each of said companies, or the Crown, or corporation or individual entitled to any other lands, as the case may be, which may be taken by them for such track, and the value of any buildings or erections, or the cost of moving the same belonging to them respectively, which may be necessarily removed in order to lay the said track; and in case the amount so to be paid cannot be agreed upon, the same shall

Powers as to lands on Toronto esplanade.

Proviso.

be ascertained by arbitration in the same manner as is provided by the Railway Act, chaptered sixty-six of the Consolidated Statutes of Canada, with regard to lands to be taken, or powers to be exercised, by railway companies. 35 V. c. 46, s. 3.

Limits within which tracks may be laid.

4. Provided that such track or tracks be laid in accordance with the strong red line on the plan deposited herewith in the private bill office of the House of Assembly or within any other increased limits which may be agreed upon between the said Toronto, Grey and Bruce Railway Company and the several Railway Companies interested in the land to be occupied, 35 V. c. 46, s. 4.

* * * * *

54 Vict. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

* * * * *

Loans for the purpose of carrying out agreements with the C. P. R. & G. T. R.

7. The corporation of the [city of Toronto] may, with the consent of the ratepayers entitled to vote on money by-laws, issue "City of Toronto general consolidated loan debentures" to such amount as may be necessary to raise a sum not exceeding \$300,000 for the purpose of carrying out the terms of a certain proposed agreement between the corporation of the city of Toronto and Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company in reference to the Toronto esplanade and water front. 54 V. c. 82, s. 7.

* * * * *

55 Vict. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

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Esplanade agreement confirmed.

2. An agreement between the corporation of the city of Toronto, the Grand Trunk Railway Company of Canada

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and the Canadian Pacific Railway Company, which is known as the tripartite agreement, and which is printed as schedule "A" hereto with any modifications thereof, which said parties thereto may agree upon, shall, when duly executed by the said parties respectively be valid and binding on the parties thereto, and the said corporation of the city of Toronto is hereby declared to have and shall have full power to do all the acts necessary to give full effect to the said agreement. Provided always, that the said corporation of the city of Toronto shall pay any person whose lands are injuriously affected by any acts of the said corporation in the execution of the said agreement, compensation or damages therefor, which if not mutually agreed on shall be ascertained by arbitration in accordance with the provisions of *The Municipal Act*. 55 V. c. 90, ^{Rev. Stat. c. 184.} s. 2.

3. A certain by-law, number 2918, of the City of Toronto, authorizing the issue of City of Toronto General Consolidated Loan Debentures to the amount of \$300,000, for the purpose of carrying out the terms of the said agreement, and which by-law was on the 16th day of July, 1891, carried by a vote of 2037 against 1659, of the rate-payers qualified to vote on money by-laws, is hereby validated and confirmed. 55 V. c. 90, s. 3. ^{By-law No. 2918 confirmed.}

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SCHEDULE "A."

(Section 2.)

ESPLANADE TRIPARTITE AGREEMENT.

As finally settled by the counsel and representatives of the city and the Railway Companies, and to be recommended for adoption by the City Council and the Boards of Directors of the Railway companies.

See Schedule to 56 Vict. c. 48 (Dom.), p. 190.

56 Vict. c. 48 (Dom.)

An Act to give effect to an agreement between the Grand Trunk Railway of Canada, the Canadian Pacific Railway Company, and the Corporation of the City of Toronto.

[Assented to 1st April, 1893.]

Preamble.

WHEREAS a petition has been presented praying that an Act be passed giving effect to the agreement hereinafter mentioned, and it is expedient to grant the prayer of the said petition :—

Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Declaratory.

1. All works done or to be done in order to give effect to the agreement hereinafter mentioned as well as those affected by it are hereby declared to be works for the general advantage of Canada. 56 V. c. 48, s. 1.

Agreement declared in force.

2. An agreement dated the twenty-sixth day of July, one thousand eight hundred and ninety-two, made between the Grand Trunk Railway Company of Canada of the first part, the Canadian Pacific Railway Company of the second part, and the corporation of the city of Toronto of the third part, and registered in the registry office for the eastern division of the city of Toronto, in book p. 9, for East Toronto, on the seventh day of October, one thousand eight hundred and ninety-two, and of which (except the schedules and plans attached thereto) a copy is set out in the schedule to this Act, having been duly ratified as provided for in its twenty-third clause, is hereby declared to be in force and binding on the parties thereto. 56 V. c. 48, s. 2.

Power to convey out agreement.

3. Each of the said parties may do whatever is on its part necessary in connection with any of the said works in order to carry out and give effect to its undertaking as embodied in the said agreement. 56 V. c. 48, s. 3.

SCHEDULE

ESPLANADE AGREEMENT.

This agreement, made [(a) in quadruplicate] this [twenty-sixth] day of [July], A.D. 189 [2].

(a) The words placed in brackets throughout this schedule are not in the agreement as printed in the Schedule to 55 Vict. c. 90 (Ont.).

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Between the Grand Trunk Railway Company of Canada, hereinafter called the "Grand Trunk" of the first part;

The Canadian Pacific Railway Company, representing its own corporation, and the Toronto, Grey and Bruce Railway Company, the Ontario and Quebec Railway Company, and all other railway companies which it controls by lease, agreement or otherwise, hereinafter called the "Canadian Pacific," of the second part:

And the corporation of the city of Toronto, hereinafter called "the city," of the third part.

The Grand Trunk and the Canadian Pacific being hereinafter referred to in the aggregate as "the companies,"—

Witnesseth that it is hereby mutually agreed between each one of the parties and the other two, and between each of the parties and each of the other two as follows:

1. The map or plan to this agreement annexed, and marked No. 1, shall be part and parcel of this agreement, and be considered as embodied herein, and in the event of any doubt arising as to the meaning of any description of lands, streets, tracks, yards, stations, or other places, or any of the properties to be conveyed, the said map or plan shall be looked at and read as explanatory of such description.

2. In order to enable the Canadian Pacific to reach its tracks south of the esplanade, the tracks in the yard known as the Midland Railway yard, between Berkeley street and Parliament street, shall be rearranged, and for this purpose Berkeley street shall not be opened or kept open as a highway between the north side of the tracks shewn on the said plan [No. 1] as so rearranged and the prolongation easterly of the southerly limit of the Canadian Pacific right of way between Princess street and Berkeley street and on the same curve. The city will convey or procure to be conveyed in fee simple the portion of Berkeley street between the north limit of the tracks (as so rearranged) and the south limit of the Grand Trunk right of way, to the Grand Trunk, and the remaining portion to the Canadian Pacific, as shewn in pink and blue respectively on said plan [No. 1], reserving all existing rights of the city to enter upon the same for the construction, reconstruction, inspection and repair of sewers and water mains along or under the said portion of said street; subject to the supervision respectively of the Grand Trunk and Canadian Pacific in the matter of the safety of their respective tracks. No building to be erected on the prolongation of Berkeley street so conveyed. A new access from the north to Esplanade street *via* Berkeley street to be provided by deviating Berkeley street, as shown on the said plan [No. 1]. The Canadian Pacific to acquire the land necessary for such deviation, and to indemnify the city in respect of all claims

by any others than the parties hereto for compensation or damages (if any) incurred by reason of such deviation rearrangement of yard and tracks, and closing of said street as aforesaid, including costs (if any) incident thereto. The Grand Trunk to have the right to place and maintain its tracks on that portion of Esplanade street adjoining Berkeley street, coloured green on said plan [No. 1] marked by letters A, B, C, neither the Grand Trunk nor the city to be required to provide or pay for the land required for such deviation or to satisfy any claims in connection with the acquisition thereof, or any claims that may be made in consequence of the closing of part of Berkeley street as aforesaid. Until the new street south of the old Windmill Line, between Parliament and Berkeley streets, is constructed, the Grand Trunk is to provide, at its own expense, a temporary road south of its tracks from Parliament street to Berkeley street 40 feet in width.

3. The Grand Trunk to cause the removal forthwith of the Midland tracks on Esplanade street between Berkeley street and Rogers' siding, and to connect the Midland track now on Esplanade street, west of Rogers' siding, with their own tracks at or near Frederick street, and no new track shall be laid on said street excepting that necessary for said connection, nor without the approval of the Railway Committee of the Privy Council of Canada. The tracks and connections as rearranged on the north forty-seven feet six inches of Esplanade street to be subject to the provisions of the agreement made between the Grand Trunk, the Midland Railway [Company] of Canada and the city, bearing date the 14th day of January, 1889.

4. Any person or corporation who may now or hereafter, as owner or tenant, hold land abutting on the north side of Esplanade street, and also on the south side of the Canadian Pacific tracks, or on the south side of the new street to the south thereof, such parcels of land being in whole or in part opposite [each] other, may, subject to the requirements and provisions of *The Railway Act* as to overhead bridges, erect, at his or its own cost, an overhead bridge or trestle or other structure connecting such lands for handling goods or freight, or for passenger traffic, the plans and specifications of any such structure and of its supports to be first submitted to and receive the approval of the city engineer, and of the engineer of any railway company whose tracks are crossed by such structure, who may first require the person erecting or maintaining any such structure to indemnify the city and such railway company against all liability which may be occasioned thereby.

5. The city hereby agrees to extinguish, at its own expense, all the present rights [if any] of the public and of property owners to cross the railway tracks on the esplanade,

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between Yonge street and the point where York street as deviated connects with Esplanade street, except at Bay street, and in consideration thereof, each of the companies agree to give up, without compensation, any right of crossing the said railway tracks between Yonge and York streets (b) except at Bay street, and for such consideration the Grand Trunk further agrees to waive its contention that it is not liable to contribute to the cost of making or protecting level crossings at Church street, Yonge street and Bay street, and the Grand Trunk and the Canadian Pacific without prejudice to their rights in any other transaction, agree to pay each one-half of the cost and maintenance of such crossings, and of their protection by watchmen at the two former crossings, and by gates and watchmen at the latter crossing, such protection to be subject to the approval of the Railway Committee of the Privy Council of Canada, or to be made in such a way as it may direct.

6. No buildings to be erected south of the esplanade on the line of Lorne street produced.

7. An overhead traffic bridge, with ramps and approaches for vehicles and foot passengers, to be constructed by the Canadian Pacific along the east side of York street according to plans and specifications to be approved by the city engineer of Toronto, and by the chief Engineers of the Grand Trunk and Canadian Pacific (subject, in the event of the withholding of such approval or of any disagreement respecting the same, to the decision of the Railway Committee of the Privy Council of Canada) from the south side of Front street to such points south of the esplanade as are approximately shown on said plan [No. 1]. Such bridge to be [a public highway and to be] of sufficient width to accommodate a double street railway track, with side spaces for vehicles and footwalks, and to be so constructed as to give access for passengers by means of footwalks, stairways or otherwise to the platforms of the proposed Union station herein referred to, and also with foot walks extending to the ends of the ramps. In order not to interfere with the free use of York street as a thoroughfare to the proposed Union station the said bridge shall be so constructed that the westerly limit thereof shall coincide with the easterly limit of York street, as at present laid down, and the Canadian Pacific and the Grand Trunk hereby each agrees to surrender to the city so much of the lands or its interest therein, south of Front street and on the east side of York street, now held by it, ["and of the alternative site" as described in section 18 hereof] as shall be required for this purpose. The city hereby agreeing to make a fair abatement of rent for the future in respect of the land or

(b) The agreement in Schedule to 55 V. c. 90, (Ont.) reads "Bay and York streets."

the interest so surrendered [which abatement in the case of the Canadian Pacific is to be made by an extension for seven (7) years from the expiry thereof of the current lease of the Tinning property between Front street and Esplanade street, on the terms authorized by report No. 5, of the Esplanade Committee of 1891]. But no party hereto shall have or make against any other party hereto any claim in respect of any other land being injuriously affected by reason of the construction of such bridge.

8. The rights, if any, which the Grand Trunk have, or claim to have, under any existing agreements with the city, that they, the city, shall not require the Grand Trunk to build, find or procure any bridges, ramps, crossings, or other approaches, over, along, or under the Grand Trunk Company's tracks on the esplanade, but that the city shall provide all such, if any, when required at their own expense, and that by said agreements the city guaranteed and indemnified the Grand Trunk of, from and against all claims and demands whatsoever for or by reason of the railway of the Grand Trunk Company being placed on said tracks in said agreements mentioned, also that they have the right and privilege to cross streets of the city on the level for the purpose of access to their stations and freight sheds in the city in such way and as often as their business requires, shall not be affected by this agreement; but all questions in regard to such rights and also as to whether any exemption or indemnity which the Grand Trunk may be entitled to thereunder includes exemption or indemnity in respect of the construction and maintenance of the said contemplated York street bridge, shall, in default of the parties agreeing in respect thereof, be determined by the submission, as soon as can be, of a special case, between the city and the Grand Trunk, to the Chancery Division of the High Court of Justice of Ontario, with the right to either party of appeal. And in the event of the final decision of said case being that the said agreements are in force and binding upon the city, and that under them or some one or more of them the Grand Trunk are entitled to exemption from such liability or are entitled to indemnity against any such claim or claims as is or are mentioned above, including said liability in respect of contribution towards the said York street bridge—the Grand Trunk claiming that they are so exempt and entitled to indemnity, and the city claiming that they are not—then the Grand Trunk shall not be held liable or be called upon to bear any part of the cost of the said overhead bridges, except the John street bridge, which they have agreed to build, but the cost of the construction, reconstruction and maintenance of said York street bridge, including compensation for property, taken or injuriously affected thereby, and all costs incidental to any claims therefor, are to be

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assessed against and paid by the city and the Canadian Pacific in equal proportions. And in the event of the final decision being that the Grand Trunk is not so entitled, then the cost of the construction, reconstruction and maintenance of said York street bridge, including compensation for property taken therefor and thereby, and all costs incidental thereto, are to be assessed against and paid by the city, and the Grand Trunk and the Canadian Pacific in such proportions, and shall be payable at such times and in such manner as the parties may agree upon, or in default of such agreement, as may be determined by an arbitrator or arbitrators (not exceeding three in number), to be appointed by the Chief Justice of Ontario upon summary application by any of the said parties after ten days' notice to the other parties proposed to be assessed therefor. If three arbitrators are appointed, the award of any two of them shall be final; and the provisions, as to arbitrations, of *The Municipal Act* and the *Acts respecting Arbitrations and References* shall apply as if incorporated herein. The arbitrators to be governed by the terms, conditions and general effect of such final decision in determining the proportions so to be paid, the value of any lands given or of any interest therein surrendered by any of the parties hereto, for the purpose of enabling the said bridge to be so constructed, to be taken into account in determining the proportions so respectively payable. Nothing herein contained shall be construed as an admission on the part of the Grand Trunk of any liability to contribute to the cost of the said bridge by reason of the amalgamation of that company with the Great Western or the Northern Railway Company, or for any other reason, which liability the said Grand Trunk expressly denies; nor shall anything herein contained relieve the Grand Trunk from any liability or prevent the city from claiming upon the argument of the said special case that the Grand Trunk is liable by reason of said amalgamation or for any other reason.

9. Upon the said companies providing the land required for deviating York street eastward, and which they agree to provide, as shown on the said plan, [No. 1] the city agrees to the said proposed deviation and abandons all claim to rent thereafter accruing due from the said companies, or any of them, to the city for the leasehold lands surrendered by the said companies to the city for the purpose aforesaid; and when such deviation has been carried out, the portion of Esplanade street east of York street shall be closed to the point where York street as so deviated connects with Esplanade street, and the portion of York street lying south of the said deviation and north of Esplanade street shall also be closed, and both said portions of said streets shall be conveyed to the Grand Trunk, who shall be free from all liability in respect of the closing of said streets, but such conveyance shall be subject to all the

rights of the city referred to in section two of this agreement.

10. The Grand Trunk agrees to construct and maintain for all time, according to plans and specifications to be approved of by the city engineer of Toronto and Edmund Wragge, C. E., or such other person as the Grand Trunk may nominate, and in case of disagreement between them the matter in difference is to be determined by Walter Shanly, C. E. (or in case of his death, refusal, or inability from any cause to act, then by such engineer as the parties may agree upon, or in the event of their disagreeing, then by such engineer as the Chief Justice of Ontario, upon summary application by any of the said parties after ten days' notice to the other parties, may appoint), a suitable steel and iron overhead bridge, founded on masonry or steel and iron piers, for vehicles and foot passengers from the south side of Front street along the line of John street to a point thereon south of the esplanade to be determined by the city engineer, [and high enough to permit the use under all that portion of it south of the esplanade of railway tracks on the same level as those under it in the Grand Trunk yard] the Grand Trunk doing the necessary filling on John street south of the esplanade and to the level thereof for the purpose of constructing the bridge and necessary approaches thereto, but the Grand Trunk not to be liable to pay for any length of bridge beyond one hundred (100) feet from the present south side of the esplanade, or for any filling which may be required owing to such extra length. The cost of such extra length, not exceeding, approximately, one hundred (100) feet, and also the cost of any extra filling caused thereby, to be borne by the Canadian Pacific. The necessary southern ramp to be built by and at the cost of the city. Such bridge and the works in connection therewith to be commenced forthwith after the city has constructed the necessary crib-work protection on the south side of Lake street, from the east side of John street to the Water Works wharf, and the bridge and works to be completed within one year from the date of commencement [thereof and to be a public highway].

11. Before the erection of the proposed Union station referred to herein is commenced, the city shall close Esplanade street from the east side of York street to the east side of Brock street, and Simcoe street [southerly] from the south side of the street described in the 13th section of this agreement produced westerly across Simcoe street, and shall close Peter street and John street from the south side of Front street to the north side of Esplanade street, and shall convey the portions of such streets so closed, and the city's interest in the esplanade, west of the said deviation of York street, to the Grand Trunk, who shall be free

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from all liability in respect of the closing of the said streets, or any of them, but subject to the rights of the city referred to in section 2 of this agreement, provided that no street west of Yonge street shall be closed unless and until the city or the Canadian Pacific shall have acquired the interests of, or settled with the tenants and subtenants of lots 5 to 25 inclusive on registered plan D, 118.

12. Within two years after the completion of the exchange of sites and the closing and conveyance of streets as herein provided for, the companies shall erect, or reconstruct, so as to have the same open for traffic, a union passenger station of suitable design and capacity, on and adjoining the site of the present Union station, the same to be in all respects such as the importance of the city may warrant, and the business of the railway companies using the same may require, and the companies shall enter into an agreement between themselves for the joint working and user of the same, and for the use thereof by all passenger trains running upon lines operated by the said companies, or either of them, and such union station shall be approximately in accordance with the plans hereto attached and marked No. 2, and such agreement shall set forth the manner of carrying out the said undertaking, and the respective interests therein of the companies and the proportion in which the cost of erecting, reconstructing and of working the said station shall be borne by the companies, with all necessary covenants for joint working, using and occupation of the said station, and in case of any difference between the companies as to the said agreement, the points of difference shall be referred (c) to arbitration. (d) The term "Union Station" herein means [at the least] the station buildings with all its appurtenances, and all tracks therein and leading thereto, between Yonge street and Peter street.

13. The Grand Trunk will dedicate to the public a street not less than sixty-six feet wide extending along the north side of the Union station block from Simcoe street to York street. The city agrees that at the request of the Grand Trunk and Canadian Pacific, a part of the said street shall be designated as a stand for cabs or express waggons, but this shall not be done except on such request.

14. The city hereby agrees that the water lots bounded on the south by the new Windmill Line, on the east by

(c) Schedule to 55 V. c. 90 (Ont.) reads "submitted."

(d) In Schedule to 55 V. c. 90 (Ont.) the following words are inserted: "each of the companies appointing an arbitrator, and the two so appointed appointing a third, or in default of any of the arbitrators being so appointed any Judge of the High Court of Justice of Ontario may, on the application of either party, make the appointment, and the decision of such arbitrators, or a majority of them, shall be final and binding on both the companies."

the east limit of lot 48, registered plan 5A, produced southerly, on the north by the south side of the proposed Lake street, and on the west by the east side of York street, produced, marked block E on said plan marked No. 1, shall be held for all time to come by the city under such tenure as shall ensure it being made available for wharves for the accommodation of passenger steamers of all classes, and the slips (being respectively prolongations of Lorne street and of York street) shall also be so set apart and used that steamboats running in connection with or exchanging passengers with the Grand Trunk and Canadian Pacific, or either of them, shall have equal facilities with any other steamboats, and in consideration thereof the Grand Trunk agrees that for the sum or price of eighty thousand dollars it will sell and convey to the city the whole of its freehold property lying to the west of Simcoe street, produced, and south of the esplanade, and having a frontage thereon of about 250 feet; and will surrender to the city all its rights and interest in the leasehold property known as the Yacht Club lot, and in lots Nos. 1, 2, 3 and 4, registered plan D 118, lying east of Simcoe street, produced, and also in any southward extension of all the said property and lots as contemplated by the Windmill Line agreement, reserving to itself the right to remove within three months after the deeding to the Grand Trunk of Esplanade street, as before set out, any buildings or tracks now upon the said freehold or leasehold property. In the event of any future extension into the harbour of the city's front similar to that contemplated by the Windmill Line agreement, (e) the city may, in lieu of said block E, provide out of said extension a new block between Lorne and York streets, produced, and access thereto, [such new block to be of at least equal frontage and arrear to that of block E] to be held on the same tenure, and to be made available for wharves and steamboats in the same manner and for the same purpose as is provided for in reference to said block E, and on the city making such provision and providing as ample accommodation, frontage and area for wharves and steamboats as could be given by said block E, the city may deal with said block E as they deem best.

15. Upon the city passing valid by-laws for the closing and deviation of the streets as hereinbefore mentioned, and closing, deviating and conveying the same as herein provided, the companies agree to pay the city the sum of fifteen thousand dollars [each of the said companies to pay one-half thereof.]

16. Until the proposed rearrangement of yards and streets and the completion of the structures mentioned in

(e) In Schedule to 55 V. c. 90 (Ont.) the following words are inserted: "and of at least equal frontage and area to that of Block E."

this agreement are finally carried out, all reasonable access to the properties mentioned in this agreement, as well as to the city water-works property, and to any other of the properties of any of the parties hereto, shall be given to each of the parties hereto for the purpose of its business, and to enable it to do the work and complete the contemplated arrangements. In case of any dispute as to what access and facilities should be given, then the same shall be decided as provided for in section 10 of this agreement.

17. The city hereby consents to the Grand Trunk obtaining a patent from the Crown of the prolongation of Peter street, lying between the south limit of the esplanade and the old Windmill Line, and the companies consent to the city obtaining from the Crown a patent of the prolongation of Simcoe and York streets, south of the esplanade, for the purpose of including the same in the alternative site as hereinafter described.

18. And whereas the Canadian Pacific has heretofore taken steps toward obtaining a site in Toronto for its station grounds, tracks and appurtenances hereinafter called the "original site," and comprising an area bounded on the north by the esplanade, on the east by Yonge street, on the south by a line known as the new Windmill Line, on the west by York street, together with a parcel of land intended for tracks and sidings, and extending westward from the said area as far as the east limit of lot No. 4, plan D 118, lying next south of the esplanade, and widening from about forty feet at the said east limit to about 110 feet at the east side of York street, and has obtained the fee simple of lot 38, hereinafter called the Mowat lot, as well as the leasehold under the city of those parts of lots 39, 40, west half of 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, registered plan 5 A, lying south of the esplanade, and the leasehold under the Baldwin estate of that part of the east half of lot 41 above mentioned.

And, whereas, the city has proposed that the Canadian Pacific shall, on the terms hereinafter contained, abandon the original site and take for the said purposes another further west hereinafter called the "alternative site," and the Canadian Pacific has consented so to do, which alternative site comprises an area butted and bounded, or otherwise known as follows, that is to say: Commencing on the south side of the esplanade at the north-west corner of the city water works property; thence easterly along the south boundary of the esplanade to the west side of Yonge street; thence southerly along the said west side to a point distant fifty feet southerly from the south limit of the esplanade, and measured at right angles thereto; thence westerly parallel with the south boundary of the esplanade to the production southerly of the east side of

Bay street; thence in a right line to a point on the production southerly of the west side of Bay street, where it is intersected by the north boundary of the new street marked "proposed street," on said plan No. 1, and distant [70] feet from the south limit of the esplanade measured southerly along said production; thence south-westerly along the north side of the said proposed new street to [a point on] the east limit of lot 48, registered plan 5 ^A [distant 290 feet measured southerly thereon from the south limit of the esplanade] thence southerly along that limit to [the north limit of Lake street; thence westerly along the said limit to the production southerly of the west side of York street; thence southerly along that production to the] a line known as the New (f) Windmill Line; thence westerly along that New (f) Windmill Line to the production southerly of the (g) east side of John street; thence northerly along that production to a point distant on the same course [222] feet from the south side of the esplanade; thence north-westerly on a right line to a point on the west boundary of part of the city water works property, distant along that boundary twenty-eight feet southerly from the south side of the esplanade; thence northerly along that boundary to the place of beginning, except thereout Lake street, and so much of the said lands as would be a prolongation of Bay street; and also such portions of block "F" as may be [necessary: to be] retained by the city in consideration of its carrying out the agreements with the Argonaut Boat House Company, W. H. Clindinning, and the Toronto Yacht Club [Company] hereinafter mentioned, and with such other subtenants of any of the lots numbered 5 to 25 inclusive, on registered plan D 118, as it may be necessary to deal with in a similar way, the city reserving to itself the right to construct any portion of the east slope of the southern ramp of the John street bridge on such parts of the above lands as may be necessary.

19. The city agrees, with the assistance of the Canadian Pacific as hereinafter mentioned, to obtain such title to the alternative site as will enable it to convey the same to the Canadian Pacific to the extent and in the manner hereinafter described, and the Canadian Pacific agrees to consent to and assist the city in obtaining the said alternative site with all convenient speed, and that it will, at the expense and upon the request of the city, exercise its powers of expropriation for that purpose, except as regards the said property owned or held under lease by the Grand Trunk. The city agrees to indemnify the Canadian Pacific

(f) Schedule to 55 V. c. 90 (Ont.), reads "Old."

(g) In Schedule to 55 V. c. 90 (Ont.), the following words are inserted, "west side of York street; thence southerly along that production to the line known as the New Windmill Line; thence westerly along that New Windmill Line to the production southerly of"

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for all moneys, costs and charges that the Company may have to pay for the expropriation of the outstanding interests of the leaseholders of lots five to twenty-five inclusive, registered plan D 118 (being part of the alternative site), and to carry out the agreements that have been made by the Canadian Pacific with the Argonaut Boat House Co., W. H. Clindinning, and the Toronto Yacht Club, [Company] which are printed as schedules A, B and C hereto. And the city agrees to pay to the Canadian Pacific the cost of cribbing and filling on the alternative site of equal quantity to that which it shall have done on the original site or any part of it up to the time at which it surrenders possession of the same to the city under this agreement; also the cost of construction and erection of the wharves (h) and buildings on (i) [the original site.] And the city further covenants and agrees to demise and lease the alternative site to the Canadian Pacific for successive terms of fifty years each, during all time to come. The rental for the first term of fifty years shall be eleven thousand dollars per annum, and the rental for each subsequent term of fifty years shall at each renewal be increased by two thousand seven hundred and fifty dollars per annum, and all rent shall be payable on the third days of July, October, January and April of each year. For the first quarter, a proportionate amount to be paid, having regard to the time of possession under said lease.

20. And the Canadian Pacific covenants and agrees with the city that, upon the execution of such lease and the payment of the cost of the said cribbing, filling wharves (j) and buildings above referred to, and the closing [and] deviating (k) [of the streets] and as aforesaid, it will assign, transfer and convey to the city all its interest in the lands coloured [blue] upon the said plan, [No. 1] and which may be more particularly described as follows:—

BLOCK A.

Firstly, commencing at a point on the production southerly of the west limit of Yonge street, where it is intersected by a line drawn parallel with the south limit of the esplanade and distant one hundred and ten feet measured southerly therefrom and at right angles thereto; thence south-westerly along said line, being the southerly limit of a new street marked "proposed street" on said plan No. 1, to the production southerly of the east limit of Bay street;

(h) Schedule to 55 V. c. 90 (Ont.) reads "wharf."

(i) Schedule to 55 V. c. 90 (Ont.), reads "what is designated on the said plan as the Mowat lot."

(j) Schedule to 55 V. c. 90 (Ont.) reads "wharf."

(k) In schedule to 55 V. c. 90 (Ont.) the following words are inserted, "and conveying the portion of Berkeley street."

thence southerly along that production to the north [limit] of Lake street; thence easterly and north-easterly along said limit of Lake street to the production southerly of the west limit of Yonge street; thence northerly along that production to the place of beginning.

BLOCK B.

Secondly, commencing on the south limit of Lake street where it is intersected by the production southerly of the west limit of Yonge street; thence southerly along that production to the line known as the New Windmill Line; thence westerly along the New Windmill Line to the production southerly of the east limit of Bay street; thence northerly along that production to the south limit of Lake street; thence easterly and north-easterly along the south limit of Lake street to the place of beginning.

BLOCK C.

Thirdly, commencing at a point on the production southerly of the west limit of Bay street where it is intersected by the southerly limit of the said proposed new street, as shown on said plan marked No. 3; thence south-westerly along the said south limit to the westerly limit of lot 47, registered plan 5 A; thence southerly along the said limit to the north limit of Lake street; thence easterly along the north limit of Lake street to the production southerly of the west limit of Bay street; thence northerly along that production to the place of beginning.

BLOCK D.

Fourthly, commencing on the south limit of Lake street where it is intersected by the production southerly of the west limit of Bay street; thence southerly along that production to (1) the said New Windmill Line; thence south-westerly along the said New Windmill Line to the intersection of the production southerly of the west limit of said lot 47; thence northerly along the said production to the south limit of Lake street; then easterly along the south limit of Lake street to the place of beginning.

BLOCK E.

Fifthly, commencing on the south limit of Lake street where it is intersected by the production southerly to the east limit lot 48, registered plan 5 A; thence southerly along said production to the said New Windmill Line; thence westerly along the said New Windmill Line to the production southerly of the east limit of York street; thence northerly along that production to the south limit of Lake street; thence easterly along the south limit of Lake street to the place of beginning.

(1) Schedule 55 V. c. 90 (Ont.) reads "of."

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21. Except as herein otherwise provided, the provisions of *The Railway Act* and *The Municipal Act*, so far as applicable to anything herein contained, shall form part of this agreement as if expressly set out herein.

22. Nothing herein contained and no action taken hereunder shall affect in any way the position or contention of any of the parties hereto as to the question whether or not any streets running southward from Front street, other than those referred to in this agreement, do or do not terminate at the north side of Esplanade street, the Canadian Pacific and Grand Trunk contending that they do so terminate, and the city not admitting the said contention.

23. This (m) agreement shall not be binding on either party unless and until ratified by the city council of Toronto and the Boards of Directors of the respective railway companies, and the parties hereto agree to unite in procuring legislation necessary to validate and confirm this agreement, if and when so ratified, and to empower each of the parties to do whatever may be requisite to give effect to the substance and intention thereof, and if this agreement be not executed and in force on or before the [first] day of [September, 1892] next, then all parties shall be restored to their original rights as if no agreement on the subjects herein dealt with had been discussed between the parties.

[In witness whereof the said parties have hereunto had affixed their corporate seals and their officers, namely: L. J. Seargeant, General Manager of the Grand Trunk; W. C. Van Horne, President, and Charles Drinkwater, Secretary of the Canadian Pacific, and Robert John Fleming, Esq., Mayor, and John Patterson, Esq., Deputy Treasurer of the city, have hereunto set their hands the year and day hereinbefore mentioned.

Signed sealed and delivered in presence of	CHAS. PERCY,	} The Grand Trunk Railway of Canada, per L. J. SERGEANT, [L.S.] <i>General Manager.</i>
As to the signature of C. P. R. in presence of	E. T. BARTLETT.		} The Canada Pacific Railway Company, W. C. VAN HORNE, [L.S.] President. C. DRINKWATER, Secretary.
Executed by the city of Toronto in presence of	THOMAS CASWELL.	ROBERT J. FLEMING, [L.S.] <i>Mayor.</i> JOHN PATTERSON, <i>Deputy Treasurer.</i>

Schedule A. (n)

Memorandum of agreement made between the Canadian Pacific Railway Company of the first part, Edmund B. Osler, of Toronto, Esquire, and Wilmot D. Matthews, of Toronto, Esquire, of the second part, and the Argonaut Boat House Company, limited, of the third part.

Whereas the said Canadian Pacific Railway Company have entered into a certain agreement with the city of Toronto and others for the lease or sale to the said railway company of certain water lots at the foot of York street, in the said city of Toronto, of one of which said lots the said boat house company are lessees, viz.: lots Nos. 24 and 25, plan D 118.

And whereas the said boat house company and others have taken certain proceedings to restrain the carrying out of said agreement.

And whereas the said boat house company have agreed to withdraw from said proceedings.

Now, therefore, this agreement witnesseth that in consideration of the said boat house company withdrawing as aforesaid, and in consideration of said agreement and of the assignment by the said railway company of the lease of the present premises of said boat house company at foot of York street as aforesaid, the said railway company agrees to accept said assignment and to move and reinstate the said boat house company as to its present new club house upon the proposed New Windmill Line, to build a wharf extending from the present Windmill Line to the new one, on a lot immediately to the south of the present premises of said boat house company, or on a corresponding lot on the east side of the extension southerly of York street, at the railway company's option, said new premises to be in all respects as convenient as the present.

The said railway company further agrees to give said boat house company a lease of said new lot at \$6 ground rent per foot per annum and taxes for twenty-one years, containing an absolute renewal clause at a valuation to be ascertained by arbitration at end of each succeeding term of twenty-one years, said new lot to have a frontage of fifty feet.

The said railway company further agrees that the said boat house company have open water to the width of sixty-six feet on one side of said new premises.

And the said parties of the second part for themselves and each of them for himself, his heirs, executors, and

(n) These Schedules A, B and C are not inserted in 56 V. c. 58 (Dom.), and are taken from 55 V. c. 90 (Ont.)

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administrators and assigns, covenant with the said boat house company that the said agreement will be carried out as above set forth.

The above renewal clause shall be subject to the railway company's obtaining an absolute renewal clause from the city of Toronto of the lots west of York street, fronting on Esplanade street, or obtaining the fee.

In witness whereof the parties hereto have hereunto set their hands and seals this 15th day of May, 1888.

This agreement is subject to the proposed agreement between the city and the railway being carried or any other agreement between them enabling the railways to acquire the premises in question.

For the Ontario and Quebec Railway Company.

	(Signed)	E. B. OSLER, <i>President</i> .
Witness,	(Signed)	E. B. OSLER.
A. LANGMUIR.	(Signed)	W. D. MATTHEWS.

For the Argonaut Boat House Co.,

	(Signed)	HENRY O'BRIEN.
	(Signed)	THOMAS McCracken.

Schedule B.

This agreement, made the third day of December, 1888, between the Canadian Pacific Railway Company, hereinafter called "the company," of the first part, and William Henry Clindinning, of the city of Toronto, boat builder, who and whose heirs, executors, administrators and assigns are hereinafter called "the owner," of the second part, and Edward (*sic*) Boyd Osler, of the city of Toronto, stock and sharebroker, a director of the said company, who including his heirs, executors, and administrators, is hereinafter called "the director," of the third part.

Whereas by a draft agreement bearing date the 26th day of April, A.D. 1888, and made between the corporation of the city of Toronto of the first part, the Grand Trunk Railway Company of the second part, and the said the Canadian Pacific Railway Company of the third part, it was proposed among other things that certain parts of Esplanade, York and Simcoe streets in the said city of Toronto, should be closed and conveyed by the said city of Toronto to the Grand Trunk Railway Company, and the city further agreed that they would sell the said the company certain lots lying to the south of the said Esplanade street and between York street and Simcoe street.

And, whereas, the said owner is the assignee from the lessee of the city of Toronto of certain parts of said lots more particularly described in the owner's lease from Cynthia Fuller *et al.*, registered as H 2189.

And, whereas, the said owner has alleged that the said agreement would, if carried out, have interfered with his access to and rights and interests in the said leasehold premises, and with others affected by the said agreement, brought an action in the Chancery Division of the High Court of Justice for Ontario, by a writ of summons issued on the 2nd of May, 1888, against the corporation of the said city of Toronto and Edward F. Clarke, mayor thereof, and in the said action obtained an injunction restraining the said city from entering into or carrying out the said agreement until the trial of the same, which has not yet taken place, and the said city has appealed from the said interim injunction, which said appeal is now pending in the Court of Appeal for Ontario.

And whereas negotiations have been entered into between all the parties to the said agreement of the 26th day of April, A.D. 1888, and the plaintiffs to the said action, and, among other things, in consideration of the plaintiffs agreeing to dismiss the said action and dissolve the said injunction, the said the company and the director have agreed with the said owner as hereinafter set forth.

Now therefore, this indenture witnesseth that in consideration of the premises the parties hereto covenant and agree as follows:—

1. That the present access of the said owner from the esplanade to his present premises, shall not be interfered with, except that the company may proceed forthwith to lay down not more than three railway tracks upon the vacant space in front of the owner's present premises (south of the esplanade) until the work of removal of said premises shall be commenced by the company, as next hereafter mentioned.

2. The company will at their own costs and charges remove and reinstate as much as practicable of the present boat house and buildings, including factory and machinery of the said owner to and on a new lot situate to the south of the present Windmill Line, and hereinafter more particularly described, and will do and construct thereon all the cribbing and piling necessary for the reinstatement, as far as practicable, of the said buildings, and also construct thereon the necessary wharves so as to make the said new premises fully as complete and satisfactory for the business and operations of the owner now carried on by him as his present premises.

Provided, always, that such removal shall not commence before 1st October in any one year, and shall be com-

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pleted as near after the 30th day of April in the following year as possible, and that until such removal the full use and enjoyment of the said premises now occupied by the owner, shall not in any wise be interrupted, interfered with, or disturbed by any works or changes which the company may make to the south of the present esplanade, except as to the three tracks, and that the said owner shall have at least one month's notice in writing of such intended removal prior to the first day of October in the year of such removal.

3. After such removal has been completed, the company shall grant to or procure for the said owner a lease of a water lot of 125 feet frontage to the south of his present lot, and no further to the west of York street than his present frontage, but not to be so far east as to be in front of any part of the ramp running westerly from the York street bridge. The said lot to front on the south limit of the street to be constructed in the terms of the Windmill Line agreement, set forth in the printed appeal book, at pages 13 to 17 of the appendix, in the said case of *Clin-dinning vs. Toronto*, the said lot to extend southerly to the New Windmill Line provided for in the said Windmill Line agreement, for a term of twenty-one years, to commence from the time of the final completion of the new premises, as removed, of the said owner hereinbefore mentioned, at an annual rental of \$6 per foot frontage on the said new street of the land so to be leased, and all taxes, which taxes, however, shall not include any taxes or payments in connection with the filling in of the lots or construction of the street proposed to be constructed under the said Windmill Line agreement; such lease not to be assignable without leave in writing, which leave shall not be unreasonably withheld, and shall contain a covenant for perpetual renewal for further successive terms of twenty-one years, at a rental to be ascertained by arbitration in the usual way; such lease to be settled by the Master in Ordinary of the Supreme Court in case the parties differ as to the same.

4. The said lease shall be executed and delivered to the said owner when he shall have assigned to the company or the director, or to whom they or either of them shall appoint, all his estate, right, title and interest in his present leasehold premises, free from all encumbrances.

5. In the event of its being found impracticable for the company to reinstate the whole of the said owner's present boathouse and buildings as aforesaid, on the said new lot, the owner is to be fully compensated and paid damages and compensation for such loss, if any, as he may sustain thereby, and also for such loss, if any, as he may sustain during the progress of such removal to and reinstatement upon the said new lot, such compensation and damages to

be determined by arbitration, under the provisions of the *Railway Act*, and in such arbitration the company are to be at liberty to tender evidence to shew that the rental of the said new premises should be greater than \$6 per foot for the purpose of the owner's business, and that he is obtaining a covenant for renewal in his lease with a view to reduce the said compensation and damages, and the arbitrators are to determine upon the admissibility of such evidence.

6. The company further agrees that upon and after the removal of the said owner's premises to the said new lot as aforesaid he shall have access thereto by way of a roadway good and sufficient for all the business and uses of the said premises of the said owner over his present premises until the said new street along the Windmill Line shall be constructed and opened for public traffic from York street to and along the whole of the front of his new premises, and shall be connected with the new bridge proposed to be constructed on York street, produced, or until such new street shall be connected with the extension of York street south of the esplanade, and either the bridge or York street extended, duly opened and fit and safe for public traffic.

Provided, that if the said new premises shall be east of the present premises such roadway shall be extended to and along the whole front of the same, and access thereto given thereby as good and sufficient as aforesaid.

And the said director for himself and the company covenants with the said owner that the said agreement will be carried out as above set forth.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above written.

EDMUND B. OSLER.
WM. H. CLINDINNING.

Signed, sealed and delivered by the said William Henry Clindinning, in the presence of

JOHN T. SMALL.

And by the said Edmund Boyd Osler, in the presence of

S. B. SYKES.

Schedule C.

Memorandum of agreement made between the Canadian Pacific Railway Company, of the first part; and Edmund B. Osler, of the city of Toronto, Esquire, and Wilmot D. Matthews, of the city of Toronto, Esquire, of the second part; and the Toronto Yacht Club, of the third part.

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Whereas the said Canadian Pacific Railway Company propose to expropriate the premises occupied at present by the Toronto Yacht Club, and have made an application to the Honourable the Minister of Railways and Canals, for leave to make the said expropriation.

Now therefore, this agreement witnesseth that in consideration of the said Yacht Club consenting to the said application, and in consideration of the assignment by the said Yacht Club to the said Railway Company of the lease, free from all encumbrances, of the present premises of the said Yacht Club on water lots No. 5, 6 and 7, according to plan D 118, registered in the registry office of the city of Toronto, the said railway company agrees to accept the said assignment and to remove and reinstate the said Yacht Club as to its present club house and buildings and dock upon the proposed New Windmill Line, or upon the proposed new street, to run immediately to the south of the present Windmill Line, or at any point between the said new street and the proposed New Windmill Line, as may be selected by the said Yacht Club, such site to be immediately to the south of the present Yacht Club premises.

And the said railway company further agrees to give the said Yacht Club a lease of the new water lot to be occupied by them hereafter mentioned, at the rate of (\$4) four dollars, ground rent per foot per annum, and taxes for a term of twenty-one years, containing an absolute renewal clause at a valuation to be ascertained by arbitration at the end of each succeeding term of twenty-one years, subject, however, to the proviso, as to the first term of twenty-one years above mentioned, and for the part thereof hereinafter referred to, that the said railway company agrees to accept as rental for the said new water lot in lieu of the rental hereinbefore referred to for such portion of their lease of their present premises as may be unexpired at the date of the lease of the said new water lot hereby agreed to be given to the said Yacht Club by the said railway company, the same rental as the said Yacht Club now pays for their present premises per annum, and that from and after the expiration of such lease and for the balance of the said first term of twenty-one years, hereinbefore referred to, the rental of said new water lot is to be at the said rate of (\$4) four dollars, ground rent per foot per annum and taxes, the said new lot to have a frontage of sixty feet or such greater frontage as the Yacht Club may desire, up to a maximum of eighty-five feet, with a depth extending from the proposed new street to the Windmill Line.

And the said railway company further agrees that the said Yacht Club shall have the exclusive use as against other yachts or other vessels of any description whatsoever of the anchorage in the open water inside the proposed

new Windmill Line for a distance not to exceed three hundred feet to the east of the proposed new site, provided always that the said railway company do not require the said open water for the purposes of their railway or for the purposes of erecting buildings thereon.

And the said railway company further agree that the proposed building and dock on the new site shall be as convenient, substantial, and commodious, and in as good repair as the present club building, dock and premises.

This agreement shall be subject to the railway company expropriating or otherwise acquiring the balance of the water lots between those owned by the Grand Trunk Railway Company on the west, and York street on the east, and the railway company shall give to the said Yacht Club at least three months' previous notice of their intention to remove the Yacht Club buildings to their proposed new site before commencing the work of such removal, and the railway company is not to remove the said Yacht Club buildings to their proposed new site, except between the 31st day of October in any one year, and the 1st day of April, in the following year.

And the said parties of the second part for themselves and each of them for his heirs, executors, administrators, and assigns, covenant with the said Yacht Club that the said agreement will be carried out as above set forth.

In witness whereof the parties hereto have hereunto set their hands and seals this day of , 1888.

55 V. c. 90, Sched., part.

EXHIBITIONS.

See AGRICULTURE AND ARTS—INDUSTRIAL EXHIBITION.

EXTENSION OF THE CITY.

See BOUNDARIES OF THE CITY AND WARDS.

Annexation of incorporated villages adjacent to Toronto.
See 46 V. c. 46, s. 9 (Ont.), p. 557.

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FREE LIBRARY.*See LIBRARY AND MUSEUM.***GAOL. (a)****36 Vict. c. 65 (Ont.)**

An Act to vest in the Corporation of the County of York, certain property situate in the City of Toronto.

[Assented to 29th March, 1873.]

WHEREAS, the corporation of the county of York Preamble.
have by their petition set forth that certain lands, including amongst others the parcel or tract of land and premises hereinafter mentioned, were, by letters patent under the great seal of the Province of Upper Canada, bearing date the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and nineteen, given and granted unto the Honourable William Dummer Powell of the then Town of York, in the Home district, Chief Justice of the said Province; the Honourable James Baby, of the same place, Esquire; and the Honourable and Reverend John Strachan, of the same place, Doctor of Divinity, and to their heirs and assigns for ever, to have and to hold all and singular the said several parcels or tracts of land, thereby given and granted to the said William Dummer Powell, James Baby, and John Strachan, their heirs and assigns for ever, upon the trusts nevertheless, and to and for the uses in the said letters patent, declared concerning the same, that is to say, in trust to observe such directions, and to consent to and allow such appropriations and dispositions of them, or any of them, as the Governor, Lieutenant-Governor, or person administering the Government of the said Province, and the Executive Council therein for the time being, should, from time to time make and order, pursuant to the purpose for which the said parcels or

(a) The city in 1861 was separated from the united counties of York and Peel for judicial purposes: *See* 24 V. c. 53; 25 V. c. 24. The Act 25 V. c. 25 provided for payments by the city to the united counties towards the support and maintenance of prisoners in the gaol. The city was reunited to the county of York for judicial purposes by the Law Reform Act, 1868 (32 V. c. 6 ss. 22-24) but existing arrangements regarding the gaol were not affected by that Act.

tracts of land therein granted, or any of them, were originally reserved, as in the said letters patent expressed, and to make such conveyance or conveyances, deed or deeds, of the said parcels or tracts of land therein granted, or any part thereof, to such person or persons, and upon such trusts and to and for such use or uses as the Governor, Lieutenant-Governor, or person administering the Government of the said Province, and the Executive Council thereof for the time being, should, from time to time, by order in writing appoint; (b) that, thereafter, in the year of our Lord one thousand eight hundred and thirty-six, upon the application of the magistrates of the Home District for a grant of the parcel or tract of land hereinafter mentioned, for the purpose of having erected thereon a gaol and court house, it was by Order in Council of the Lieutenant-Governor of the said Province and the Executive Council thereof, on the tenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, in writing ordered that the prayer of the said application should be granted, and that the said parcel or tract of land should be appropriated as desired by the said magistrates: that thereupon a gaol was erected upon the said parcel or tract of land, and was occupied and maintained as such by the said the corporation of the county of York, and such gaol has since been maintained and still remains upon the said parcel or tract of land, as erected thereon: that no conveyance or deed of the said parcel or tract of land was

(b) By 4 Will. IV., c. 23, s. 93, incorporating the city of Toronto, it was enacted "That the present gaol and court house of the Home District shall be, and continue to be, the gaol and court house of the said city as well as of the Home District, until the city shall by Act of common council otherwise direct."

By 7 Will. IV., c. 39, s. 4, it was enacted "That it shall be the duty of the said corporation, and they are hereby required within five years after the passing of this Act to build, or cause to be built, at the expense of the said corporation, on some convenient site to be by them procured for that purpose within the said city or liberties thereof, a good and sufficient gaol or house of correction for the confinement and imprisonment of all and every offender or offenders who shall at any time after the completion of such gaol and house of correction be committed or adjudged to be imprisoned under any order or warrant of the mayor or any of the aldermen of the said city; and from and immediately after the completion of such gaol and house of correction, no person adjudged to be imprisoned under and by virtue of any order or warrant of the mayor or any of the aldermen aforesaid shall be committed to the gaol of the Home District except in cases of parties charged with offences which from their nature required to be tried before a Court of Oyer and Terminer and General Gaol Delivery: Provided always that so soon as such gaol and house of correction shall be built and finished as aforesaid, the payment of the said sum of £400 to the treasurer of the Home District hereinafore mentioned (see sec. 3 of the Act) shall cease and determine. By 7 Will IV., c. 40, s. 2, the Justices of the Peace for the Home District in General Quarter Sessions assembled were empowered to erect a gaol, and court house, or either of them, upon any site within the city of Toronto which they might approve of, and the new gaol was to be the common gaol of the Home District. By 2 V. c. 44, s. 1, the former sales of portions of the court house block on King street by the trustees were confirmed, and the trustees were further empowered to mortgage and sell the remaining portion in their hands as the magistrates of the Home District should direct.

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at any time executed by the said trustees named in the said letters patent, or any of them, or by any other person or persons whomsoever: that the said, the corporation of the county of York, have succeeded to the rights and title of the Home District, and the magistrates thereof, and are entitled to the said parcel or tract of land and premises, and to have their title thereto established and confirmed, and the said parcel or tract of land vested in them; that the said trustees have all departed this life, and their heirs are dispersed and do not all reside within this Province, and it would be difficult and attended with very great expense and delay to procure a conveyance or deed of the said parcel or tract of land from all the heirs of the said trustees; and the said the corporation of the county of York have prayed that an Act may be passed to confirm their title to the said parcel or tract of land, and to vest the same in the said petitioners as hereinafter set forth; and whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The title of the said the corporation of the county of York, of, in and to all that parcel or tract of land and premises now in the city of Toronto, in the county of York, bounded on the north by Palace street, on the east by Parliament street, on the west by Berkeley street, and on the south by a line drawn along the top of the bank of what was known as the York harbour, at the date of the said letters patent, from the foot of Berkeley street to the foot of Parliament street, being the block now known as the county of York Gaol property, is hereby declared to be confirmed, and the same is hereby absolutely vested in the said the corporation of the county of York, their successors and assigns. 36 V. c. 65, s. 1.

51 Vict. c. 6 (Ont.)

An Act to amend the Act respecting the Office of Sheriff.

[Assented to 23rd March, 1888.]

* * * * *

5. So long as there is but one gaol for the city of Toronto and the county of York, the sheriff of the city shall have control of the gaol. 51 V., c. 6, s. 5.

* * * * *

GARRISON CREEK AND ROSEDALE CREEK SEWERS.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

7. * * To provide means for constructing the Garrison creek sewer; it shall and may be lawful for the council of the city of Toronto, to pass by-laws from time to time and as occasion may require, without obtaining the assent of the electors thereto, before the final passing thereof, for borrowing money by the issue of debentures or city stock on the credit of the city at large, to the amounts and for the purposes following, that is to say:

* * * * *

Constructing Garrison Creek Sewer. (4) To an amount not exceeding the sum of one hundred thousand dollars for the purpose or constructing the said the Garrison creek sewer. 47 V. c. 59, s. 7 part.

50 Vict. c. 71 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

* * * * *

Authority to borrow money for construction of sewers. 3. In view of the unsanitary condition of the Rosedale creek and the Garrison creek, and the necessity which exists for constructing a sewer on the line of the Rosedale creek and of completing the Garrison creek sewers, it shall and may be lawful for the council of the corporation of the city of Toronto to pass by-laws from time to time, as occasion may require, without obtaining the assent of the electors thereto, before the final passing thereof, for borrowing by the issue of debentures or city stock on the credit of the city at large a sum not exceeding \$175,000. 50 V. c. 71, s. 3.

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52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

11. The corporation of the city of Toronto may, with-^{Garrison} out the consent of the electors, pass by-laws for borrowing ^{creek sewer.} a sum not exceeding \$60,000, for the construction of the north-westerly branch of the Garrison creek sewer, from Ossington avenue to Bloor street :

Provided that before borrowing any portion of the said sum of \$60,000, the land or the easement therein required for the construction of the said sewer shall have first been acquired by the city :

Provided further that the actual cost of the said land or easement, together with the estimated cost of constructing the said sewer, shall not exceed in all the said sum of \$60,000. 52 V. c. 73, s. 11.

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GAS AND ELECTRIC COMPANIES.

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1. GENERALLY.

40 Vict. c. 39 (Ont.)

An Act respecting the City of Toronto, the Toronto Water Works and other Matters.

[Assented to 2nd March, 1877.]

* * * * *

13. No gas company now incorporated, or incorporated during this session of the Legislature of Ontario, or here-^{Gas com-} after, shall have the right to break up, dig, or trench any ^{panies break-} ing up streets. or any part of the public streets, roads, squares, or high-ways, or other public places of the city of Toronto, for the laying down mains along and under the same, except for

repairs or the substitution of other mains for those already then laid, without the written consent of the city engineer, or person acting as such, until thirty days' notice in writing of such intention shall have been given to the city engineer, or the person for the time being acting as city engineer; and whenever any such company shall have given the said notice with respect to any street or streets in the said city, or any portion thereof, the corporation of the said city may by by-law, within twenty-one days after the giving of such notice, prohibit the proposed breaking-up, digging, or trenching of such streets, squares, or places, or any part thereof, unless a majority in number of the ratepayers assessed, according to the last revised assessment roll, upon each street or portion of street with respect to which such notice shall have been given (which petitioning ratepayers shall appear by the last revised assessment roll, to be assessed either as owners or tenants for more than one-half of the assessed aggregate value of the real estate situate on such street, or portion of street, with respect to which such notice is given), do petition the said corporation against the passing of said by-law: Provided further, that where any street or any part thereof, is paved with stone or wood pavement, asphalt, cement, or other material of a like permanent character, the said petitioning ratepayers shall include a majority of the ratepayers assessed as aforesaid, either as owners or tenants in respect of real estate, situate upon the street so paved or portion thereof so paved in respect of which such notice has been given: But nothing herein contained shall apply to any case where it is desired to cross any street with mains, in order to supply property not situate upon such street. 40 V. c. 39, s. 13, (a) subs. 1. 40 V. c. 88, s. 3.

2. Within two months after service of a written notice from said corporation, of its intention to lay down such permanent pavement upon any street or portion of street, every such company, except in the case provided for by the last section, shall make connections from their mains to each side of the street, or the portion of street to be laid with such permanent pavement; and in default of making such connection before the laying of such permanent pavement, shall not be entitled thereafter to make the same without the written consent of such engineer; said notice to be given between the first day of April and the first day of August in any year. 40 V. c. 39, s. 13, sub-s. 2.

Purchase of
Gas Com-
panies' Works
etc., by the
corporation.

14. It shall be lawful for the corporation of the city of Toronto, with the consent of the gas company or companies now incorporated or hereafter to be incorporated for the municipality at anytime, to pass a by-law for the

(a) See as to the application of this section of this Act to Brockton and Yorkville, 44 V. c. 44, s. 9.

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acquisition as they then exist of the whole of the machinery, works, plant, mains and other pipes, including the cost of laying the same, supplies, business, assets, rights, franchises or privileges, easements, and other property of every nature and kind both real and personal of any such gas company, the whole to be valued as a going concern, at a price to be ascertained and determined by a separate arbitration with each company under the provisions of the Municipal Acts; and the said company or companies shall be bound to accept the price so ascertained and upon payment of such price by the corporation together with all proper costs and expenses incurred by such company in or about such arbitration, they may assume the said property so purchased, and exercise the said rights, franchises and privileges.

2. It shall be lawful for the shareholders of any such company at any special meeting of the shareholders called for that purpose, to authorize the board of directors of the company to give the consent aforesaid. Consent to purchase. 40 V. c. 39, s. 14.

15. The moneys so received shall be applied by the board of directors of such company in satisfaction of its liabilities, and subject thereto shall be distributed amongst the shareholders in proportion to their shares. Application of the purchase money. 40 V. c. 39, s. 15.

16. When the directors shall have given notice by advertisement in the *Ontario Gazette*, and a newspaper published in the city of Toronto, once a week for twelve weeks, for creditors to send in to the company their claims against the company, the directors shall, at the expiration of the time named in such notice for sending in such claims, distribute said moneys amongst the parties entitled thereto, having regard to the claims of which the said board has then notice; and the said company shall not, nor shall the shareholders thereof, be liable to any person of whose claim the said board shall not have had notice within the time limited by such advertisement for sending in claims. Notice of claims against the companies. 40 V. c. 39, s. 16.

17. The board of directors of any such gas company shall be at liberty without the institution of a suit to apply by petition to any judge of the Court of Chancery for the opinion, advice or direction of such judge on any question respecting the administration or management of such purchase money, and for adjudication upon all matters and questions of every nature and kind in any way connected with the due administration of such purchase money, and the said judge may cause notice of such application to be served on such persons as to him may seem proper, and such application may be supported by affidavits, or if the said judge thinks proper he may require the same or any Opinion of judge of Court of Chancery may be obtained as to the administration of the purchase money.

such question to be heard and disposed of as ordinary causes in said court, and the said judge or the court may make such order on any such application as may seem meet; and the board of directors may make the like application to said court for its approval of any acts done by them in connection with the administration of said purchase money or any part thereof; and any board of directors acting upon any such order, or as to any of whose acts the said court or a judge thereof shall make an order approving of the same, shall be deemed, so far as regards their responsibility in respect of the acts so ordered to be done or approved of as having been done, to have discharged their duty in the subject matter of such application, and such order shall release the board of directors from all responsibility in respect of any acts so ordered to be done or approved of as the case may be: and further it is declared, that the said board may, if it thinks fit, apply to said court in a summary manner to administer said purchase money, and the said court is hereby empowered to administer the same, and in the proceedings to administer the same, shall adopt as far as is applicable thereto, the practice of the court in the administration of the estates of deceased persons: Provided always, that nothing herein contained shall interfere with or impair the present powers of the corporation of the city of Toronto under the Municipal Act, so far as they are thereby empowered to pass a by-law in respect to gas companies. 40 V. c. 39, s. 17.

Costs of administration and remuneration of directors to be the first charge on the purchase money.

18. The costs, charges, and expenses of and incidental to such administration, and of the remuneration of the directors shall be a first charge on such purchase money. 40 V. c. 39, s. 18.

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App., p. 2

2 CITY OF TORONTO GAS LIGHT AND WATER COMPANY. (b)

4-5 Vict. c. 65.

An Act to incorporate a Company under the Style and Title of "The City of Toronto Gas Light and Water Company." (c)

[18th September, 1841.]

Effete.

2 CONSUMERS' GAS COMPANY. (d)

11 Vict. c. 14.

An Act to incorporate the Consumers' Gas Company of Toronto.

[23rd March, 1848.]

WHEREAS the great and increasing extent of the city Preamble.
of Toronto, and the great demand for a cheap and effective mode of lighting the streets and places in the said city, as well as houses, shops and other buildings therein, render it desirable that more than one company should be established for the purpose of furnishing a further supply of gas for lighting the said city; and whereas the mayor, aldermen and citizens of the city of Toronto have signified their assent to the establishment of the said company, and to their having the necessary powers connected with the establishment and construction of the necessary works; * * * and whereas the said several persons hereinbefore named and others, have by their petition prayed that they may be incorporated under the style and title of *The Consumers' Gas Company of Toronto* * * * that they may be invested with all the necessary powers and privileges usually granted to similar corpo-

(b) A company was incorporated by 6 Will. IV. c. 9, intituled "An Act to incorporate a company under the name and title of the "City of Toronto Gas Light Company," but the company did not come into operation,

(c) This Act was amended by 8 Vict. c. 85, and in 1848 the plant and rights of the company, so far as they extended to supply the city and its inhabitants with gas, were purchased by the Consumers' Gas Company, and by 16 Vict. c. 109, its name was changed to "The City of Toronto Water Company." A company was incorporated by 16 Vict. c. 250, under the name of the Metropolitan Gas and Water Company. The Act was amended by 22 Vict. c. 135, but this company did not come into operation so far as the lighting of the city was concerned.

(d) For articles of agreement between the city and the Consumers' Gas Company, dated 27th Nov., 1890. See minutes of city council, 1890, App., p. 2519.

rations, for the purpose of supplying the city of Toronto with gas in greater quantity, of better quality, and at a cheaper rate than the same hath been heretofore supplied : and whereas it is expedient to grant the prayer of the said petition.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same.

Consumers'
Gas Company
of Toronto
incorporated.

Property.

Proviso as to
extent of real
property.

Power to
construct
works, &c.

1. That the said directors or such of them and such other persons as now are or shall hereafter become shareholders in the said company, shall be and are hereby ordained and constituted a body politic and corporate by the name and style of *The Consumers' Gas Company of Toronto*, and by that name and style they and their successors being such shareholders shall and may have perpetual succession and a common seal, * * * and may have full power to purchase, take and hold personal property and lands, tenements and other real property, for the purposes of the said company, and for the erection and construction and convenient use of the gas works herein-after mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead for the purposes and uses aforesaid, and that any person or persons, body or bodies politic or corporate, may give, grant, bargain, sell or convey to the said company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may repurchase from the said company : Provided always, that such lands, tenements and hereditaments to be holden by the said company shall be so holden for the purposes and business of the said company, as set forth in this Act, and for constructing their necessary works for and about the same, and for no other purposes whatsoever, and that the total yearly value of the lands and real property to be so holden at any one time shall not (over and above the value of the works thereon erected), exceed two thousand pounds, currency ; and that it shall be lawful for the said company, subject to the restrictions herein contained, from time to time to make, construct, lay down, maintain, alter or discontinue such retorts, gasometers, receivers and buildings, cisterns, engines, machines and other apparatus, cuts, drains, sewers, watercourses, reservoirs, machinery and other works, and also such houses and buildings upon the lands hereby authorized to be held and purchased by the said company, and to do all other acts necessary and convenient as they shall think proper

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for supplying the inhabitants of the said city with gas, and also to sell and dispose of coke and of all and every product or products, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of gas in such manner as the said company may think proper, and also to manufacture the refuse of any such gas. 11 V. c. 14, s. 1.

To dispose of certain products of their works, etc.

2. And be it enacted, that the said company may raise and contribute among themselves such sum as shall not exceed the sum of twenty-five thousand pounds, (e) currency, in shares of twelve pounds, ten shillings, currency, each, and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining their said gas works, and to the purposes of this Act and to no other object or purpose whatsoever; provided always, that if the said sum of twenty-five thousand pounds, currency, should be found insufficient for the purposes of this Act, it shall be lawful for the said company to increase their capital stock by a further sum, not exceeding twenty-five thousand pounds, currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of twelve pounds, ten shillings, currency, each: provided also, that in the event of difficulty arising in procuring subscribers for the capital, it shall be lawful for the president and directors for the then time being of the said company to borrow a sum or sums of money for the purposes aforesaid, not exceeding the sum of fifteen thousand pounds, currency, and to pledge and mortgage or otherwise assign, by way of security, the property, rates and income of the said company for the repayment of the sum so borrowed and the interest thereon. 11 V. c. 14, s. 2.

Capital of company.

To what purposes applicable.

Proviso for increase.

Proviso for borrowing money.

* * * * *

3. And be it enacted, That the directors shall and may have the power to appoint a manager, clerks and other persons as may appear to them necessary for carrying on the business of the said company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, and also shall and may have the power to make, and repeal or alter such by-laws to be binding on the members of the company or their servants as shall appear to them proper and needful touching the well ordering of the said company, the management and disposition of its stock, property estate and effects, the calling of special meetings of its shareholders or of meetings of the directors, and other matters connected with the proper organization of the said company and the conduct of the affairs thereof, and also shall and may have the power to

Powers of directors.

By-laws.

Calls.

(e) See 18 V. c. 215, s. 1, p. 230; 36 V. c. 130, s. 1 (Ont.), p. 231; 50 V. c. 85, s. 1 (Ont.), p. 236.

Dividends.

Contracts,
etc.Proviso as to
by-laws.

make calls for instalments on shares, subject to the provisions hereinafter made, and to declare such yearly or half-yearly dividends not exceeding ten per centum per annum, out of the profits of the said undertaking as they may deem expedient, and to make contracts, or such by-laws to empower the president, vice-president or any director or officer to make contracts on behalf of the company, and to affix (if need be) the common seal of the company to such contracts, and generally to manage the affairs of the said company, and to do or empower others to do whatever the company may lawfully do under this Act, unless it be otherwise herein provided; provided always, that such by-laws shall be in nowise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the laws of this province, and shall, before they shall have force, be approved by the shareholders, at some annual or special meeting, at which such shareholders shall have full power to alter or amend the same * * . 11 V. c. 14, s. 2.

* * * * *

Power to
open ground
in streets, etc.Precautions
to be ob-
served.Reestablish-
ing such
streets, etc.Penalty for
neglect.

13. And be it enacted, That it shall and may be lawful for the said company, after two days' notice in writing to the mayor, aldermen and citizens of the city of Toronto, to break up, dig and trench so much and so many of the streets, squares, and public places of the said city of Toronto as may at any time be necessary for the laying down the mains (f) and pipes to conduct the gas from the works of the said company to the consumers thereof, or for taking up, renewing, altering or repairing the same when the said company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares and public places while the works are in progress, and making the said openings in such parts of the said streets, squares and public places, as the city surveyor, under the direction of the council of the said city, shall reasonably permit and point out; also placing guards and fences, with lamps, and providing watchmen during the night, and taking all other necessary precaution for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work without any unnecessary delay; and in case of the neglect of any of the duties herein provided as aforesaid, the said company shall be subject to pay a fine of one pound, currency, for every day such neglect shall continue after receiving a legal or written notice thereof, to be recovered by civil action in her Majesty's Court of Queen's

(f) See 39 V., c. 63, s. 3, p. 229.

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Bench, at Toronto, at the suit of any person or persons, or of the corporation of the mayor, aldermen, and citizens of the city of Toronto, to and for the use of the said corporation, over and above such damages as may be recovered against the said company by any other party. 11 V. c. 14, s. 13.

14. And be it enacted, That where there are buildings within the said city of Toronto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the gas to that of another, or in the possession of another, the pipes being carried up, and attached to the outside of the building; and also to break up and uplift all passages, which may be in common to neighboring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, and to lay any pipes, branches, or other necessary apparatus from any main or branch pipes, into, through, or against any building, for the purpose of lighting the same; and to provide and set up any apparatus necessary for securing to any buildings a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, the said company doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereto to the owners or proprietors of the buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provision this Act shall be sufficient to indemnify the company or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act. 11 V. c. 14, s. 14.

15. And be it enacted, That the main pipes that shall be laid down by the said company shall be at least three feet distant from the main pipes of the City of Toronto Gas Light and Water Company; or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit, and that the said main pipes shall have the initials of the said company cast upon each of them, and also the ends of the service pipes and stop cocks which shall appear in the cellars of the houses or buildings to be supplied with gas, shall be legibly and permanently stamped or marked with the initials of the said company, to distinguish them from those of the said City of Toronto Gas Light and Water Company, under a penalty of five pounds, currency, for each offence or neglect thereof, which penalty shall be paid to the said City of

Power to
open ground
in passages,
etc.

Satisfaction
to be made
for damages
done.

Precautions
for distin-
guishing
pipes of this
company
from those
of others.

Penalty for
contraven-
tion.

Provide as to the differences with the other company.

Provide for appeal.

Location of gas works, how to be regulated.

Control of the city council.

Penalty for contravention.

Company not doing certain works within the limited

Toronto Gas Light and Water Company, and be recovered by civil action in Her Majesty's Court of Queen's Bench, at Toronto; Provided always, that if any difference shall arise between the said City of Toronto Gas Light and Water Company and the said Consumers' Gas Company of Toronto, or any other company established or to be established in the city of Toronto, as to the practicability of either company so laying its pipes that they shall be at a distance of at least three feet from those of the other company, then such difference shall be decided by the Surveyor of the said city, who, if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid: provided always, that an appeal shall lie from any such decision of the said surveyor to the Mayor's Court of the said city of Toronto, at any sitting of the said court held after the day on which the decision of the said surveyor shall be notified to the parties. 11 V. c. 14, s. 15.

16. And be it enacted, That the said company shall so construct and locate their gas works and all apparatus and appurtenances thereto appertaining, or therewith connected, and wheresoever situated, as in nowise to endanger the public health or safety, and for the purpose of better ensuring the due execution of the provisions of this section, the said company shall, with regard to the construction of such part of their said gas works as shall lie within the city of Toronto, be subject and bound by the existing by-laws of the council of the said city for insuring the health, safety and convenience of the inhabitants thereof, and the said gas works, apparatus and appurtenances, or so much thereof as shall be within the said city, shall be moreover, at all reasonable times, subject to the visits and inspection of the municipal authorities thereof, or their officers, reasonable notice thereof being previously given to the said company, and the said company and their servants or workmen shall at all times obey all just and reasonable orders and directions they shall receive from the said municipal authorities in that respect, under a penalty of not more than five pounds, nor less than one pound, currency, for each offence, in refusing or neglecting to obey the same, to be recovered from the said company, at the suit and for the use of the mayor, aldermen and citizens of the city of Toronto, in any court of competent civil jurisdiction. 11 V. c. 14, s. 16.

17. And be it enacted, That in case the said company shall open or break up any street, square, or public place in the said city, and shall neglect to keep the passage of the

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said street, square, or public place as far as may be free time, the same and uninterrupted, or to place guards or fences with lamps, to be done by city surveyor, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares, or public places without unnecessary delay, as hereinbefore provided, the city surveyor, under the direction of the said council of the city, after notice in writing to the said company, shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said company, on its being demanded by the city surveyor, at any time not less than one month after the work shall have been completed, in any case, from the cashier or treasurer, or any director of the said company, or in default of such payment, the amount of such claim shall and may be recovered from the said company, at the suit of the mayor, aldermen and citizens of the city of Toronto, by a civil action in any court of competent jurisdiction. 11 V. c. 14, s. 17.

Repayment by the company provided for.

18. And be it enacted, That if any person or persons shall lay or cause to be laid, any pipe or main to communicate with any pipe or main belonging to the said company, or in any way obtain or use its gas without the consent of the directors or their officer appointed to grant such consent, he, she or they shall forfeit and pay to the said company the sum of twenty-five pounds, and also a further sum of one pound for each day such pipe shall so remain, or such supply be obtained or furnished, notwithstanding any contract or agreement which may have been previously entered into, which said sum, together with the costs of suit on that behalf incurred, may be recovered by civil action in any court of competent civil jurisdiction. 11 V. c. 14, s. 18.

Penalty for using gas without consent of company.

19. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down, or damage, injure, put out of order or destroy any meter, main pipe, pipe, or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made or provided, or which shall be made or provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to the said company, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing the said works, or shall wilfully alter or impair any meter so that the same shall indicate less gas than actually passes through the same, or shall cause or procure the same to be done, or shall increase the supply of gas agreed for with the said company by increasing the number or size of the holes in the gas burners, or otherwise wrongfully, negligently, or waste-

Penalty for wilfully injuring or impeding the use of the works of the company.

Fraudulently increasing the size of burners.

fully burning the same, or by wrongfully or improperly wasting the gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, the court before whom such person shall be tried and convicted, shall have power and authority to condemn such person to pay a penalty not exceeding ten pounds, currency, or be confined in the common gaol of the district for a space of time not exceeding three months, as to such court may seem meet, and such person shall defray the expenses attending the repair or replacing of such meter. 11 V. c. 14, s. 19.

This Act not to prevent incorporation of other companies, or private gas works.

20. And be it enacted, That nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons, body politic, or corporate, from constructing any works for the supply of gas to their own premises, or to prevent the legislature of this province at any time hereafter from altering, modifying or repealing the powers, privileges, or authorities hereinbefore granted to the said company, or from incorporating any other company for like purposes. 11 V. c. 14, s. 20.

Saving of rights not mentioned.

21. And be it enacted, That nothing herein contained shall affect, or be construed to affect in any way or manner whatsoever the rights of Her Majesty, her heirs and successors, or of any person or persons, or of any body or bodies corporate or collegiate, such only excepted as are herein mentioned. 11 V. c. 14, s. 21.

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Power to remove pipes where the supply of gas shall be lawfully cut off or discontinued.

23. And be it enacted, That in all cases where it shall be lawful for the company to cut off and take away the supply of any gas from any house or building or premises under the provisions of this Act, it shall be lawful for the said company, their agents and workmen, upon giving twenty-four hours' previous notice to the occupier, to enter into any such house, building or premises, between the hours of nine in the forenoon, and four in the afternoon, and to remove, take and carry away any pipe, meter, cock, branch or apparatus, the property of and belonging to the said company; and also for the purpose of repairing and making good any such house, building and premises where such pipes or apparatus shall have been so introduced. 11 V. c. 14, s. 23.

Provision for recovery of rents or gas dues.

24. And be it enacted, That if any person supplied with gas by the said company, shall neglect to pay any rate or rent due to them at any of the times of payment thereof, it shall be lawful for the said company or any person acting under their authority, to stop the gas from entering the premises of such person, by cutting off the service or other pipe to such premises, or by such means as the company shall think fit; and that the said company

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may recover the rate or rent due from such persons, together with the expenses of cutting off the gas and costs of recovering the same in any court of competent jurisdiction in this province. 11 V. c. 14, s. 24.

25. And be it enacted, That neither the service nor connecting pipes of the said company, nor any meter belonging to the said company, shall be taken or seized for rent due to landlords or for the debts of any person or persons to or for whose use or the use of whose house or building the same may be supplied by the company; any law or practice to the contrary notwithstanding. This section shall apply to all the pipes, wires, machines, apparatus, stoves and all other property of the company required for the purpose of distributing the said gas or light or steam or other motive power, which said company is hereby authorized to manufacture or for its use by the said company or its customers. 11 V. c. 14 s. 25; 42 V. c. 87 s. 5.

Pipes, etc.
not to be liable for rent due by consumer.

26. And be it enacted, That any person who shall wilfully remove, destroy, damage, fraudulently alter, or in any way falsify any meter, pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the company or to any person, or shall wilfully extinguish any of the public lamps and lights, or waste or improperly use any of the gas supplied by the said company, shall for each such separate and distinct offence forfeit any sum not exceeding five pounds, and shall pay to the company or such person three times the amount of the damage done. 11 V. c. 14, s. 26.

Penalty for wilfully damaging or removing pipes.

27. And be it enacted, That if any person shall carelessly or accidentally break, throw down or damage any meter, pipe, pedestal or lamp supplied by or belonging to the said company, or keep the lights burning for a longer time than he shall contract to pay for, and shall not on demand make satisfaction to the company or to such person for the damage done or the excess of gas obtained and used, it shall be lawful for any justice of the peace or magistrate of or for the city of Toronto or Home District to summon before him the person against whom such complaint shall be preferred, and for any two or more of the said justices or magistrates, upon hearing the allegations and proofs on both sides, or on non-appearance of the person so complained against, to award such sum of money by way of satisfaction to the said company or to such person as the case may require, for such damages or excess as the said justices or magistrates shall consider reasonable, and in case of neglect to pay any sum so awarded within three days after demand, it shall be lawful for the said justices or magistrates to cause the same to be raised and levied by proceedings in due form of law. 11 V. c. 14, s. 27.

Satisfaction to be made for accidental damage to any pipes or works, etc

How to be enforced.

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16 Viot. c. 142.

An Act to extend the powers of the Consumers' Gas Company of Toronto.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS *The Consumers' Gas Company of Toronto*, and also many of the inhabitants of Yorkville, in the immediate vicinity of the city of Toronto, have petitioned the legislature, that the said company be allowed to extend their works and pipes beyond the limits of the city and into the said village, town or municipality of Yorkville, and other parts of the township of York adjoining the said city, and it is expedient to allow the same to be done.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same.

The company empowered to extend their works to Yorkville and other parts of the township of York.

1. That it shall and may be lawful to and for the said *The Consumers' Gas Company of Toronto*, to break up, dig, and trench so much and so many of the public streets, roads squares, highways and other public places either of the said city of Toronto, or of the said municipality, town or village of Yorkville, and of the township of York adjacent to the said city of Toronto, as may at any time be necessary or required for laying down the mains and pipes to conduct the gas from the works of the said company to the consumers thereof, whether within or beyond the said limits of the said city of Toronto, or into, through or over any part of Yorkville aforesaid, or of the said township of York, or for taking up, renewing, altering or repairing the same whenever the said company or their successors shall deem it expedient; and generally that it shall be lawful for said company, and their successors to do every necessary act, matter and thing, beyond the limits of the said city of Toronto, for the purpose of extending their said works, pipes and mains beyond the said limits into the said municipality of Yorkville, or other parts of the said township of York adjacent to said city, and for supplying the gas to the consumers thereof living beyond such limits, in the same manner as the said company now have power to do the same within the said city of Toronto.

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Provided that for the purpose of laying mains it shall not be lawful for the said company, except with the written consent of the engineer of the city of Toronto, or the person for the time being acting as such, to break up or interfere with any of the streets, squares, lanes or passages of the said city of Toronto, until after thirty days' notice in writing of such intention shall have been given to the engineer of the said city of Toronto, or to the person for the time being acting as such, but that it shall be lawful for the said company to break up and interfere with such streets, squares, lanes or passages for the purpose of laying service pipes and for repairing any pipes in case of accident, without giving any notice to the said engineer, or to the person for the time being acting as such or the said corporation: provided further, that unless any street, lane, square or passage broken up for the purpose of laying mains, or for any other purpose, by the said company, is within forty-eight hours thereafter restored to its original condition and so kept in repair by the said company for six months, ordinary wear and tear excepted, the said engineer may at any time within the said period of six months, upon giving forty-eight hours' notice in writing of such non-repairs at the head office of the said company order the same to be restored to its former condition at the expense of the city, and deduct the cost of such repairs from any money due by the said the corporation of the city of Toronto to the said company. 16 V. c. 142, s. 1; 39 V. c. 63, s. 3.

Breaking up
streets to
lay mains.

2. And be it enacted, That the said company shall enjoy all the powers and privileges now enjoyed by them by law, and shall be subject to all the same duties and responsibilities that they are now subject to by law, in extending their works, pipes or mains beyond the said limits under the authority of this Act; the municipality into whose jurisdiction they may so enter, being substituted in all suitable cases for the municipality of the city of Toronto. 16 V. c. 142, s. 2.

Powers and
privileges of
the company
extended to
such new
works.

3. And be it enacted, That if any person or persons, body or bodies, whether principals or workmen, or party employing such, shall, within or beyond the limits of the said city of Toronto, join or connect any pipe to the main or service pipes of the said company, or shall, in any way, join or connect any pipe for the supply of any light or burner, to any pipe whatever containing gas, or used to contain or convey gas, without having first received the consent of the company or their manager or clerk in writing, then such person or persons, or party employing such shall, for every offence, forfeit and pay to the said company the sum of twenty-five pounds, currency, and also a further sum of one pound for each day such pipe shall so remain, or be

Penalty on
persons using
gas without
leave, by
joining pipes
to mains, etc.

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imprisoned for the term of two calendar months in the common goal of the county, on being convicted thereof by any court of competent jurisdiction. 16 V. c. 142, s. 3.

Company may buy and sell certain things.

4. And be it enacted that it shall and may be lawful for the said company to buy, sell, or dispose of in any way any coal, surplus coal, or coal required for making gas, or not found to answer for making gas, and to buy, sell, lease or hire all meters, interior or service pipes, mains or gas fittings, lamps or gas apparatus, and to employ the necessary workmen for putting up fittings generally. (g) 16 V. c. 142, s. 4.

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18 Vict., c. 215.

An Act to extend the powers of the Consumers' Gas Company, of Toronto.

[Assented to 19th May, 1855.]

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Capital may be increased by £50,000 in shares of £12 10s., and how.

1. That it shall and may be lawful to and for the said company to increase their present capital stock by a further sum not exceeding fifty thousand pounds, (h) so that the whole capital stock of said company may extend to, but not exceed the sum of one hundred thousand pounds, in shares of twelve pounds, ten shillings each, either among themselves or by the admission of new stockholders on such terms as the directors may decide and appoint, and that it shall and may be lawful as to such new stock for the directors to call in the same either in instalments as at present provided, or to issue such new stock or any portion thereof, payable at once or at such other dates and times and in such manner as said directors may appoint, and that the manner and dates when such stock shall be paid up may be declared in any one or more resolutions of said directors. 18 V. c. 215, s. 1.

* * * * *

Company may borrow money on mortgage, etc., at any rate of interest.

3. That it shall and may be lawful for said company to borrow on debenture, bond, mortgage or other real or personal security, any sum or sums not exceeding in the whole fifty thousand pounds, at such rate of interest and on such terms of credit or otherwise as to said company

(g) See 42 V., c. 87, s. 6 (Ont.), p. 235.

(h) See 36 V., c. 130, s. 1 (Ont.), p. 231; 50 V., c. 85, s. 1 (Ont.), p. 236.

may seem advisable, and to secure the same as said company may determine on all or any part of their estates, real or personal or both, no such debenture or bond being for a less sum than twenty-five pounds, and any rate of interest thereby payable shall be legally enforceable, although exceeding the rate of six per cent; and all moneys so borrowed or raised shall be applied to the purposes of said company in the manufacture and distribution of gas, and in increasing and extending their business, or in discharging liabilities contracted or to be contracted therefor. 18 V., c. 215, s. 3.

4. That it shall and may be lawful for the said company to hold lands and real property and estate for the purposes of their incorporation; and that said company may sell and dispose of absolutely in fee simple or by way of lease for years to any persons or bodies, any lands or real estate not longer required by them for the purposes aforesaid. 18 V. c. 215, s. 4.

5. That it shall and may be lawful for said company to pay dividends on the capital stock quarterly, if deemed advisable so to do. 18 V. c. 215, s. 5.

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36 Vict. c. 130 (Ont.).

An Act to authorize an addition to the capital stock of the Consumers' Gas Company of Toronto. (i)

[Assented to 29th March, 1873.]

WHEREAS *The Consumers' Gas Company of Toronto* Preamble, have petitioned for authority to increase the capital stock of the said company to enable them to meet the requirements of the rapidly increasing population of the city of Toronto and the village of Yorkville, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful to and for the said company to add to their present capital stock any sum

(i) 34 V., c. 76 (Ont.), "An Act to amend the Act incorporating the Consumers' Gas Company of Toronto" does not affect the city of Toronto.

not exceeding six hundred thousand dollars, (j) divided into shares of fifty dollars each, provided that such increase of the capital stock shall be agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose. 36 V. c. 130, s. 1.

Allotment of
new stock.

2. Any new stock of the said company to be issued on any such increase of the capital stock shall be allotted to the then shareholders of the said company *pro rata* at par: Provided always, that any of such increased stock which shall not be taken up and subscribed for by any shareholder within three months from the time when notice of the allotment thereof shall have been mailed, prepaid, in the post office at the city of Toronto, to his address, may be opened for subscription to the public, in such manner and on such terms as the directors of said company may determine. 36 V. c. 130, s. 2.

Manner of
payment.

3. The shares of such stock subscribed for shall be paid in by such instalments, and at such times and places, and under such regulations as the directors of said company may from time to time appoint; and executors, administrators, trustees or curators paying instalments on the shares of deceased shareholders shall be, and they are hereby respectively indemnified for paying the same. 36 V. c. 130, s. 3.

Company
need not
allot the
whole of the
new stock.

4. It shall not be obligatory upon the said company to open books of subscription or to sell or allot the whole amount of stock authorized by this Act; but the said company may from time to time limit the number of shares for which books of subscription shall be opened, or which shall be allotted, offered for sale or otherwise disposed of, to such amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meetings of the shareholders as aforesaid, called for that purpose. 36 V. c. 130, s. 4.

Notice of
meeting of
shareholders.

5. The notice of any special meeting or meetings of the stockholders of said company called by the directors or stockholders thereof, in pursuance of the Act of Incorporation thereof, or of this Act, may be given by inserting a notice specifying the time, place and object of such meeting in at least two daily newspapers published in the city of Toronto, in each issue thereof, during the three weeks next preceding the day fixed for such meeting. 36 V. c. 130, s. 5.

(j) See 50 V. c. 85, s. 1 (Ont.), p. 236.

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6. All the provisions of the Act incorporating the said company, and the Acts amendatory thereof, which were or now are applicable to the present stock of the said company, not inconsistent with the provisions of this Act, shall apply to the new stock subscribed or allotted under this Act. 36 V. c. 130, s. 6.

42 Vict. c. 87 (Ont.)

An Act to amend the Acts respecting the Consumers' Gas Company of Toronto.

[Assented to 11th March, 1879.]

WHEREAS The Consumers' Gas Company of Toronto was incorporated for the purpose of supplying a cheap and effective mode of lighting the streets and places of the city of Toronto, and the area of the operations of the said company was by subsequent Acts extended to the village of Yorkville and the township of York; and whereas the said company alleges that other modes of producing artificial light have been discovered and that gas may be beneficially used as a cheap fuel for heating and cooking purposes, and has petitioned for an Act to amend its said Act of Incorporation and amendments thereto by authorizing said company to manufacture and use such other artificial light and to manufacture gas for such heating and cooking purposes, and for other amendments to their charter; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said company to manufacture and sell gas for heating, cooking and other than illuminating purposes. 42 V. c. 87, s. 1.

Power to manufacture gas for heating, etc.

2. It shall and may be lawful for the said company in substitution for gas, or in connection therewith, or in addition thereto, to manufacture, use and sell electric, galvanic or other artificial light for the purposes set forth in their Act of Incorporation and amending Acts, and to manufacture, store and sell heat derived from other sources than coal-gas and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the company. 42 V. c. 87, s. 2.

Power to use electric light, etc.

Power to acquire patents.

3. It shall and may be lawful for the said company from time to time to acquire by purchase or otherwise any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them if in the opinion of the directors unsuitable for the purposes of the company. 42 V. c. 87, s. 3.

Company to enjoy existing powers and be subject to existing duties.

4. For the purpose of manufacturing and of distributing said light or illuminant, other than gas, and of manufacturing and of distributing said gas for heating or cooking purposes, and said steam or other motive agent or power, the said company shall have and enjoy all the powers and privileges now held and enjoyed by said company for the manufacture and distribution of gas for lighting purposes, and shall be subject to all the same duties that they are now subject to, so far as the said powers, privileges and duties *mutatis mutandis* are respectively applicable for the purposes of this Act, and for the purpose of manufacturing and distributing such artificial light or illuminant other than gas, and such gas for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said company shall have the power from time to time to erect, alter, improve, enlarge, extend and renew or discontinue works, buildings, storehouses, including places for storing such gas, light, heat or motive power, motors, generators, poles and all other machinery and apparatus upon all lands now owned, leased or used by the said company or hereafter to be owned, leased or used by the said company as authorized by its charter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places of the city of Toronto, the village of Yorkville, the village of Parkdale, and township of York, all wires, tubes, pipes, posts and all other apparatus to enable said company to supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of Incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the company thereunder, and for the protection of the property of the company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same shall apply to the gas and artificial light or illuminant and steam, or other motive agent or power as aforesaid which the company are hereby authorized to manufacture, and to the machinery, wires, apparatus and property of the company required for the manufacture and distribution and use by the company and its customers of such gas and artificial light or illuminant, steam or other motive agent or power as aforesaid: Provided that the rights and powers granted to the said com-

Proviso.

pany by this section to make use of the streets and squares and public places of Toronto, Yorkville, Parkdale, and township of York, so far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas, shall not be exercised except under and subject to any agreements hereafter to be made between the company and the said municipalities respectively, or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in pursuance thereof; and as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power, or of electric, galvanic or other light or illuminant other than gas, through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four, and eighty-five of the Act respecting Joint Stock Companies for supplying cities, towns, and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, (k) and the said sections shall be read as forming part of this Act. 42 V. c. 87, s. 4.

5. (l)

6. It shall be lawful for the said company, in addition to the powers granted by the fourth section of the Act of the province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-two, to manufacture, make, buy, sell, lease, and let for hire all electro-motors, generators, machines, apparatus, lamps, stoves, and other things required for manufacturing, distributing and using the gas manufactured by them for lighting or heating or cooking purposes, and the electric, galvanic, or other artificial light or illuminant manufactured by them, and said steam or motive power. 42 V. c. 87, s. 6.

7. The said company on the one part, and any municipal or other public corporation or body on the other, may enter into and carry into effect contracts and agreements for one or more years, for and with respect to the supply to such corporation or body of said gas, electric light or other illuminant, and such steam or other motive power as aforesaid, and any fittings required therefor, and such corporation or body may apply their funds and rates for the purposes of this section. 42 V. c. 87, s. 7.

(k) See R. S. O. (1887) c. 164, ss. 94-97.

(l) See 11 Vict. c. 14, s. 25, p. 227.

50 Vict. c. 85 (Ont.)

An Act to further extend the powers of the Consumers' Gas Company of Toronto.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the Consumers' Gas Company of Toronto have petitioned for authority to increase the capital stock of the said company and the amount of their real estate, to meet the requirements of the rapidly increasing population of the city of Toronto, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Increase of capital stock authorized.

1. It shall be lawful for the company to add to their present capital stock such an amount as shall increase the same to a sum not exceeding \$2,000,000, divided into shares of \$50 each, provided that such increase of capital stock shall be first agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose. 50 V. c. 85, s. 1.

Stock may be issued in parcels.

2. It shall not be obligatory upon the company to sell, at one time, the whole amount of stock authorized by this Act, but the company may, from time to time, limit the number of shares to be offered for sale to such an amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meetings of the shareholders as aforesaid called for that purpose. 50 V. c. 85, s. 2.

Notice of meetings.

3. The notice of any special meeting or meetings of the stockholders of the company called by the directors of the company in pursuance of this Act, may be given by inserting a notice specifying the time, place and object of such meeting in at least two daily newspapers published in the city of Toronto, in each issue thereof during the three weeks next preceding the day fixed for such meeting. 50 V. c. 85, s. 3.

Stock to be sold by auction and surplus over par value added to reserve.

4. All shares to be issued under the provisions of this Act, shall be sold by public auction after three weeks' notice in two of the daily newspapers published in the city of Toronto, such shares to be put up in lots of ten shares each, and all surplus realized over the par value of the shares so sold, shall be added to the rest or reserve fund of the company, until the same shall be equal to one-half of the paid up capital stock of the company, the true intent and

meaning being that the company may at all times have and maintain a rest or reserve fund, equal to, but not exceeding, one-half of the then paid up capital of the company, and which rest or reserve fund may be invested in Dominion or Provincial stock, municipal debentures, school debentures, drainage debentures, debentures of loan companies, and mortgages on real estate. 50 V. c. 85, s. 4.

5. The shares of such increased stock shall be paid in, together with the premiums (if any) thereon, by such instalments and at such times and places and under such regulations as the directors may from time to time appoint. 50 V. c. 85, s. 5.

6. There shall be created and maintained by the company, out of the earnings of the company, another fund, to be called the plant and buildings renewal fund, to which fund shall be placed each year the sum of five per cent. on the value at which the plant and buildings in use by the company, stand in the books of the company, at the end of the then fiscal year of the company, and all usual and ordinary renewals and repairs shall be charged against this fund. 50 V. c. 85, s. 6.

7. Any surplus of net profit, from any source whatever, including premiums on sales of stock, after the rest or reserve fund shall have been established and maintained as aforesaid, remaining at the close of any fiscal year of the company after payment of fees to the president, vice-president, and directors of the company (not exceeding in all the sum of \$9,000 per annum), after payment of dividend at the rate of ten per cent. per annum on the paid up capital stock of the company, and the establishment and maintenance of the said rest or reserve fund, and providing for said plant and buildings renewal fund, shall be carried to a special account, to be known as the special surplus account, and whenever the amount of such surplus is equal to five cents per thousand cubic feet on the quantity of gas sold during the preceding year, the price of gas shall be reduced for the then current year, at least five cents per thousand cubic feet to all consumers. 50 V. c. 85, s. 7.

8. If in any year, the net profit of the company, from all sources, are not sufficient to meet the requirements of the company for the payment of fees to the president, vice-president and directors (limited as aforesaid), the payment of dividends at said rate of ten per cent. per annum, as aforesaid, and to provide for the plant and buildings renewal fund, it shall and may be lawful for the directors of the company in their discretion, to draw upon the said rest or reserve fund to the extent of any such deficiency, and to restore any amount so drawn from time to time from said rest or reserve fund, out of the earnings of the com-

pany, but the said rest or reserve fund shall not be otherwise drawn upon. 50 V. c. 85, s. 8.

Audit of company's accounts.

9. The company shall give not less than two weeks' written notice by registered letter, to the mayor of the city of Toronto for the time being of the time of commencing the annual audit of the books and accounts of the company, and it shall and may be lawful for an auditor to be appointed by the mayor of the corporation of the city of Toronto, should he deem it advisable to make such appointment, to be present at such annual audit, and for the purpose of verifying the company's annual statement, to have access at the company's office to all books, accounts, and papers necessary for such purpose. 50 V. c. 85, s. 9.

Power to hold real estate of \$25,000 yearly value.

10. Notwithstanding anything contained in former Acts affecting the company, it shall be lawful for the company to acquire and hold real estate, of which the total yearly value shall not exceed \$25,000, over and above the yearly value of any buildings and works now, or which may be hereafter erected thereon. 50 V. c. 85, s. 10.

4. PEOPLE'S GAS COMPANY.

40 Vict. c. 67 (Ont.)

An Act to incorporate The People's Gas Company.

[Assented to 2nd March, 1877.]

Effete.

5. INCANDESCENT LIGHT COMPANY OF TORONTO.

56 Vict. c. 107 (Ont.)

An Act respecting The Toronto Incandescent Electric Light Company, Limited.

[Assented to 27th May, 1893.]

Preamble.

WHEREAS The Toronto Incandescent Electric Light Company (Limited), was duly incorporated by letters patent dated the 31st July, 1889, issued under

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The Ontario Joint Stock Companies' Letters Patent Act, and the Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power; and whereas, by letters patent issued under the said firstly above-mentioned Act, dated the 8th August, 1891, the capital stock of the company was increased to \$500,000; and whereas, the company has petitioned that an Act may be passed to change the name of the company; and to confirm to the said company, under such changed name, the powers conferred upon the company by the said letters patent; and to confirm a certain agreement bearing date the 31st day of July, 1889, made between the corporation of the city of Toronto and the company,
 * * * and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company is hereby changed to that of the "Incandescent Light Company of Toronto"; and from and after the passing of this Act, the said corporation shall be called and known as the "Incandescent Light Company of Toronto." 56 V. c. 107, s. 1.

2. The company under its said name as changed as aforesaid shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had continued under its original name; and the several provisions of the said Acts, except sections 71, 73 and 75 to 80 of chapter 164 of the Revised Statutes of Ontario, 1887, are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length in and enacted as part thereof subject after the passing of this Act only to the amendments in this Act contained; and all real and personal property, shares or stock, obligations, debts, claims, rights, powers and privileges of the company shall, after the passing of this Act be held by and vested in the company under the name of the "Incandescent Light Company of Toronto"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun. 56 V. c. 107, s. 2.

3. The agreement made between the corporation of the city of Toronto of the first part, and the company of the

Toronto
confirmed.

second part, and which is set out in schedule "A" to this Act, (m) except in so far as the name of the company may be changed by this Act, is hereby confirmed and made valid and binding in all respects whatsoever as fully and completely as if the said agreement had been made with the company in the name of the company as changed as aforesaid, and as if the several clauses of the said agreement with the name of the company so changed as aforesaid, wherever the name of the company occurs therein were set out at length and enacted as part of this Act; and the execution of the said agreement by the corporation of the city of Toronto is hereby declared to have been and to be legal and binding on the said corporation for all the purposes in the said agreement contained; provided always, that notwithstanding anything in this Act contained, the council of the corporation of the city of Toronto and the company may agree together to change any of the provisions of the said agreement, or to make any further and other provisions respecting the matters set forth in the said agreement. 56 V. c. 107, s. 3.

* * * * *

SCHEDULE "A."

(Section 3.)

This agreement made the thirty-first day of July, A. D. 1889, between the corporation of the city of Toronto, hereinafter called the "corporation" of the first part and the Toronto Incandescent Electric Light Company, hereinafter called "the company" of the second part.

Whereas the company proposes to establish works in the city of Toronto, hereinafter referred to as "the city," for the manufacture, production and supply of electricity for the purposes of light, heat, power and other purposes, and has applied to the corporation for the right to lay down underground wires, conduits and appliances for the distribution and supply of electricity throughout the city.

And whereas the corporation has agreed to grant such right upon the terms and conditions hereinafter set forth:

1. Now this indenture witnesseth that in consideration of the premises and of the covenants and agreements herein set forth on the part of the company to be observed and performed, the corporation doth hereby give and grant unto the company, their successors and assigns, the right to construct, lay down and operate underground wires,

(m) For articles of agreement between the city and the Toronto Electric Light Company, dated 28th October, 1890. See minutes of the city council, 1890, App., p. 2523.

conduits and appliances for the distribution and supply of electricity as aforesaid, and to take up, renew, alter and repair the same, and for that purpose from time to time, under the supervision of the city engineer, and to his satisfaction, to make such openings in, upon and along the streets, lanes, parks and public places in the city of Toronto as may be found necessary or convenient for the purposes aforesaid: and thereafter to fill all such openings and to restore the road-bed as nearly as possible to the same condition in which it was before such openings were made.

All such openings shall be made at such times and places and in such manner as the city engineer may from time to time direct.

2. When and so often as it may be necessary for the company their successors or assigns to make any such openings, they shall give at least ten days' notice in writing to the mayor and city engineer of their desire to make such openings, specifying therein the portion of the road-bed in which they desire such openings to be made.

3. The council of the corporation shall have the right to prohibit the company from making such openings in any street, lane, park or public place if there be any cause why such opening should not be made, and another street, lane or place whereby access to the locality desired to be reached is available.

4. The work aforesaid shall not be unnecessarily delayed but shall be carried on and completed with all reasonable despatch, due regard being had to the proper and efficient execution thereof; and in case the said openings that may be made by the company be not filled up and the said road-bed restored as aforesaid within such time as the city engineer may by writing under his hand allow for the same, the corporation may proceed to fill up such opening and to restore such road-bed at the expense of the company, and the expense thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand and recoverable with costs by action in any court of competent jurisdiction.

5. The company shall indemnify the corporation for and in respect of all damages and costs that may be sustained by or to which the corporation may be put in consequence of opening up of any street, lane, park or public place aforesaid by the company, or in consequence of the road-bed not being restored to the same condition in which it was before such openings were made by the company as aforesaid, or otherwise by reason of the exercise by the company of the powers or privileges granted under this agreement.

6. At the expiration of thirty years from the date of this agreement the corporation shall (subject to the provisions hereinafter set forth, and if the corporation shall have given to the company one year's previous notice in writing of their intention so to do) have the right to purchase (that is at the expiration of said thirty years) all the interests and assets of the company, comprising plant, buildings and materials used or necessary for the carrying on of its business, and the amount in such case to be paid to the company by the corporation, if not agreed upon by the company and the corporation, shall be ascertained by the award of three arbitrators, to be appointed one by the corporation, one by the company and the third to be appointed by the two appointed as aforesaid; and in case the corporation shall fail to exercise such right at the expiration of the said thirty years, the corporation may at the expiration of each succeeding period of twenty years exercise the same right of purchase on the same terms, provided one year's previous notice in writing of their intention so to do shall have been given to the company.

Provided always that such right of purchase shall exist only in case the corporation shall provide for a similar right of purchase and shall impose a like condition upon all companies hereafter authorized or required by the corporation to use any of the streets, lanes, parks or public places in the city of Toronto, for the purpose of carrying on the business of electric lighting, heating or power within the city.

7. The company shall not without the consent of the corporation lease to, amalgamate with, or sell out to any other company, corporation, firm or individual, and in case the company shall lease to, amalgamate with or sell out to any other company, corporation, firm or individual, all rights granted by this agreement shall cease and be forfeited.

In witness whereof the corporation of the city of Toronto have caused their corporate seal to be hereunto affixed, and the said Toronto Incandescent Electric Light Company have hereunto caused their corporate seal to be hereunto annexed the day and year first above written.

(Sd.) JOHN McMILLAN, (L.S.)
President of the Council.

(Sd.) JOHN PATTERSON,
Assistant-Treasurer.

(Sd.) THE TORONTO INCANDESCENT ELECTRIC
LIGHT COMPANY. (L.S.)

Per FREDERIC NICHOLLS,
Manager and Treasurer.

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HARBOUR.

4 Will. IV., c. 23.

An Act to extend the limits of the Town of York ;
to erect the said town into a city ; and to
incorporate it under the name of the City of
Toronto.

[Passed 6th March, 1834.]

13. * * * All that portion of the liberties of the said city [of Toronto] lying between the margin of the water on the north side of the Bay in front of the said city and the margin of the water on the north side of the marsh and Bay east of the river Don and the southern limits of the said liberties, including the peninsula and island, shall constitute and form the port of Toronto. 4 W. IV. c. 23, s. 13.

Distance of
main pipes
from those of
other com-
panies.

13-14 Vict. c. 80.

An Act to provide for the future management of
the Toronto Harbour.

[10th August, 1850.]

WHEREAS under the Act of the Parliament of Upper Canada, passed in the Third Year of the Reign of King William the Fourth, and intituled, *An Act granting a sum of money for the construction of Works to improve and preserve the harbour of York, and for other purposes therein mentioned*, and the Act of the said Parliament, passed in the seventh year of the said Reign, and intituled, *An Act granting a sum of money to complete the improvement of the Harbour of Toronto*, certain improvements in the harbour of Toronto were made and sums of money were advanced by the Government for making the said improvements, the claim of the province for any balance whereof can easily be adjusted in a satisfactory manner, and it is expedient that the operation of the said Acts should cease, and that better provision should be made, for the improvement and management of the said harbour:

Preamble.

U. C. 3 W. 4,

c. 31.

U. C. 7 W. 4,

c. 64.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same.

The said Acts
to cease.

1. That from and after the passing of this Act, the operation of the Acts cited in the preamble to this Act shall cease, and the improvements made under the same or hereafter to be made in the said harbour shall be under the control and management of the commissioners hereinafter mentioned. 13-14 V. c. 80, s. 1.

Commission-
ers to be
appointed,
and by whom.

2. And be it enacted, That it shall be lawful for the common council of the city of Toronto to appoint two persons to be commissioners under this Act, and for the Toronto Board of Trade to appoint two other persons to be commissioners under this Act, and for the majority of such commissioners to recommend another person to be a commissioner under this Act, who shall upon such recommendation be appointed by the Governor of this Province, but if such majority shall report that they cannot agree on such person, then the Governor shall appoint such fifth commissioner without such recommendation; and the four first mentioned commissioners shall hold office respectively during the pleasure of the authority by whom they shall have been appointed, and by whom they may be removed, re-appointed, or others appointed in their stead; and the fifth commissioner shall be removable by the Governor, and in case of such removal, another shall be appointed in the manner aforesaid. 13-14 V. c. 80, s. 2.

Commission-
ers to be a
body corpo-
rate.

3. And be it enacted, That the said commissioners shall be a body corporate, by the name of The Commissioners of the Harbour of Toronto, and shall by that name have and may exercise the powers vested in bodies corporate by the Interpretation Act, and all such powers as may be necessary for carrying this Act into effect, according to its true intent and meaning; and such powers may be exercised by any three of the said commissioners as effectually as by all of them; and if any three of them shall execute any deed, and affix the corporate seal of the commissioners to the same, it shall be held to be the deed of the commissioners. 13-14 V. c. 80, s. 3.

Quorum.

What proper-
ty shall be
vested in the

4. And be it enacted, That the works and property constructed and acquired by the commissioners appointed

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under the Acts hereinbefore cited shall be and are hereby Commission
vested in the commissioners under this Act, as shall be
also all such works and property as shall be constructed
or purchased by them under this Act for the purposes
thereof, or as may be assigned and conveyed to them for
the said purposes by the common council of the city of
Toronto, acting for the municipal corporation thereof; and Common
the said common council acting as aforesaid, shall have council may
power to take any property which may be required by take property
the said commissioners for the improvement of the said the commis-
harbour, in like manner and under like conditions as they sioners.
are empowered to take property for the opening of any
street in the said city, and upon the conveyance of such
property to the said commissioners, the sum which the
said municipal corporation shall have paid for the same
(or such less sum as the common council and the com-
missioners may agree upon) may be made by the com-
missioners out of the moneys they are hereby empowered
to borrow; or the said municipal corporation may place
any property under the control of the said commissioners
for any period without absolutely conveying it to them.
13-14 V. c. 80, s. 4.

5. And be it enacted, That it shall be the duty of the Commission-
said commissioners, with such assistance as they may find ers to prepare
necessary, to prepare plans and estimates for the improve- plans and
ment of the said harbour of Toronto, and it shall be lawful estimates, etc.
for the commissioners to acquire such property as may be
requisite to enable them to execute the same, and to do all
lawful things which may be necessary for the execution
thereof. 13-14 V. c. 80, s. 5.

6. And be it enacted, That it shall be lawful for the Commission-
said commissioners, at any time after their appointment, ers may make
to make by-laws for regulating the use of the works and by-laws for
property vested in them or placed under their control, and certain pur-
for the government of all parties using the same, and of all poses, and
vessels and floats coming into or using the said harbour impose tolls.
and by such by-laws to impose tolls to be paid upon such
vessels and upon goods landed from or shipped on board
of the same, and upon such floats, which tolls they may, if
they think fit, levy according to the use which may be
made of such harbour and works aforesaid and the period
during which such use shall continue in any case; and by
such by-laws the said commissioners may direct in what
manner, at what time, and to what persons the said tolls
shall be paid, and may impose fines not exceeding five
pounds in any case, for the contravention of any such
by-law, to be recovered by the said commissioners, and
for their use for the purposes of this Act, in any manner
in which fines imposed by by-laws of the municipal
corporation of the said city can be recovered; and such

Powers for
recovery of
tolls.

by-laws may from time to time be repealed or amended by other by-laws to be made by the commissioners for that purpose; and the said commissioners shall have power and authority to detain any vessel, float or goods on which any tolls may be due, at the cost and risk of the owner thereof, until the same are paid, and if they be not paid within one month after they have accrued, such vessel, float or goods may be sold by the said commissioners by public auction to the highest bidder, and the commissioners shall retain out of the proceeds the amount of the tolls due and of the expenses of detention and sale, and shall pay the surplus to the owner on demand; or the said commissioners may recover such tolls from the master, owner, consignee or person in charge of the vessels, goods or floats on which they may be due, in the usual course of law, as a debt due to them. 13-14 V. c. 80, s. 6.

Persons
employed by
the com-
missioners.

7. And be it enacted, That the said commissioners may in carrying this Act into effect, employ such persons to assist them as may be necessary, and assign to them such powers and duties as they may deem expedient. 13-14 V. c. 80, s. 7.

Commission-
ers empower-
ed to borrow a
sum of money.

8. And be it enacted, That for defraying the expenses of improving the said harbour and carrying the provisions of this Act into effect, it shall be lawful for the said commissioners to borrow, either in this Province or elsewhere, such sums of money, not exceeding in the whole fifty thousand pounds currency, and at such rate of interest not exceeding eight per centum per annum, as they may find necessary, but at the lowest rate at which they can obtain the same; and the interest on the sums so borrowed shall be payable half-yearly, on days to be named in the debentures, and the principal at such period or periods as may be agreed upon, and such interest and principal may be made payable at such places within or without this Province, and in such currency or money whether of this Province or of any other country, as the commissioners shall find expedient; and the debentures to be issued by the said commissioners for the sums so borrowed may be in such form as they shall think proper, and shall be signed by at least three of them, and shall bear the seal of the corporation; and the principal and interest of the sums so borrowed as aforesaid shall be secured upon and payable out of the tolls and other revenues to be received by the said commissioners under this Act, but shall not be guaranteed by this Province, or payable out of any provincial funds. 13-14 V. c. 80, s. 8.

Debentures
to be issued.

Order of
charges on the
tolls and
revenues.

9. And be it enacted, That the proceeds of the tolls and revenues to be received by the said commissioners under this Act shall be applied by them:

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First. To the payment of all reasonable expenses of Management collecting the same and of managing the said harbour and works, and keeping the same in efficient repair ;

Secondly. To the payment of the interest of the sums Interest borrowed as aforesaid and of the principal thereof, at the periods when the same shall respectively become due ;

Thirdly. To the payment of not less than two per Sinking fund. centum per annum on the sum to be so borrowed, for the purpose of forming a sinking fund towards paying off the principal of the sum so borrowed, the amount to be so paid, the officer to whom it shall be paid, and the mode of paying, managing and investing the same, to be from time to time determined by the Governor in Council: Provided ^{Proviso.} always, that if the proceeds of the said tolls and revenues shall not at any time be sufficient to meet the charges imposed thereon by this section, then it shall be the duty of the commissioners to increase the tolls aforesaid, to such extent as will in their opinion be sufficient to produce sufficient revenue to meet the said charges. 13-14 V. c. 80, s. 9.

10. And be it enacted, That the said commissioners ^{Accounting clause.} shall keep detailed accounts of all moneys borrowed, received and expended by them under the authority of this Act, and shall account for the same to the Governor in such manner and form and at such periods as he shall from time to time direct, and such accounts shall be accompanied by a full and particular statement of the proceedings of the commissioners under this Act. 13-14 V. c. 80, s. 10.

11. And be it enacted, That the word "vessels" in this ^{Interpretation clause.} Act shall include ships, boats, vessels and water-craft of all kinds, whether impelled by sails or steam, or both, or in any other way whatever, and the word "floats" shall include all rafts, cribs, or timber afloat, and all other things floated in the water and not being vessels ; and the word "goods" shall include goods, wares, merchandize, animals, articles and things of any description whatever not being vessels or floats. 13-14 V. c. 80, s. 11.

12. And be it enacted, That this Act shall be a Public ^{Public Act.} Act. 13-14 V. c. 80, s. 12.

25 Vict. c. 26.

An Act to amend the Act for the management of the Toronto Harbour.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the commissioners of the harbour of Toronto have, by their petition, set forth that the pier at the mouth of the said harbour, constructed by them for the purpose of protecting the same, can now be made available for other purposes, and is well adapted for the site of grain elevators, and that application has been made to them by railway companies for a lease of the same, with the view of laying down branch rails on the said pier and constructing such elevators, and that such accommodation is much needed by the trade of Toronto, and would greatly benefit the public, and at the same time would bring in some return for the outlay expended by the petitioners, without in any way interfering with their proper and legitimate business or duties as such commissioners, and have prayed to be enabled to enter into the necessary leases, and make the necessary arrangements, with railway companies or other parties, for the above purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Commissioners may lease the pier for certain purposes, and for a certain period.

May agree with any railway company etc.

1. The commissioners of the harbour of Toronto may, at any time, and from time to time, grant leases of the pier at the mouth of the said harbour, constructed by them for the purpose of protecting the same, to railway companies, or to any persons, for the purpose of constructing grain elevators thereon, and laying down branch lines of railway leading to such grain elevators; and any such lease may be made and entered into for any period not exceeding twenty-one years; and the said commissioners may also, at any time, and from time to time, make and enter into any agreement or arrangement with any Railway Company, or with any person, for the construction and use of any grain elevator or of any branch line of railway on or over the said Pier, and generally for the management and working thereof, when constructed, for any term not exceeding twenty-one years. 25 V. c. 26, s. 1.

Public Act.

2. This Act shall be deemed a Public Act. 25 V. c. 26, s. 2.

HOSPITALS AND CHARITIES.

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1. TORONTO GENERAL HOSPITAL.

39 Vict. c. 65 (Ont.)

An Act to amend the Acts relating to the Toronto General Hospital.

[Assented to 10th February, 1876.]

* * * * *

1. The trustees of the Toronto General Hospital shall hereafter be appointed and hold office as follows: three shall be appointed by the Lieutenant-Governor in Council, to hold office during pleasure; one shall be the mayor of the city of Toronto for the time being, and the other shall be elected by the majority of votes of annual subscribers to the funds of the hospital for the current year of \$20 at the least: 39 V. c. 65, s. 1; 41 V. c. 71, s. 11.

2. All the said appointments shall be annual, taking effect from the first day of January and terminating on the thirty-first day of December in each year; they shall be made in the first week in December previously.

* * * 39 V. c. 65, s. 2, part.

* * * * *

2. HOUSE OF INDUSTRY.

14-15 Vict. c. 35.

An Act to incorporate the House of Industry of Toronto.

[2nd August, 1851.]

* * * * *

1. Henry James Grasett, William Cawthra and John Ewart, together with the mayor of Toronto for the time

being, the Reverend Stephen Lett, LL.D., clerk, the Reverend Alexander Geikie, the Honourable John Elmsley, John Arnold, John Doel, Samuel Sproule, James William Brent, Peter Paterson, William Mathers, Edward H. Rutherford and William Montague Westmacott, and all others who may from time to time be elected to succeed them in manner hereinafter mentioned as trustees and managers, shall be and they are hereby nominated and constituted a body politic and corporate, by the name and style of "The Trustees of the Toronto House of Industry." 14-15 V. c. 35, s. 1.

* * * * *

3. INEBRIATE INSTITUTIONS.

55 Vict. c. 42 (Ont.)

An Act to Consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

462. The council of every city and town may respectively pass by-laws:—

* * * * *

Institutions
for reclama-
tion of
habitual
drunkards.

3. For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

4. For committing or sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards, by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

5. In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in such Act. 51 V. c. 28, s. 19.

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4. INFECTIOUS DISEASES HOSPITAL

56 Vict., c. 85 (Ont.)

An Act respecting the City of Toronto.

[Assented to 27th May, 1893.]

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2. Notwithstanding the provisions of *The Public Health Act*, the lands in the said city described as all and singular that certain parcel or tract of land and premises composed of part of Riverdale Park in the city of Toronto as described in by-law No. 2761 of the corporation of the city of Toronto and of part of the lands set apart for the Don improvement as described in by-law No. 2005 of the said city, and which may be more particularly described as follows:— Commencing at the south-west angle of Riverdale park, being on the limit between said park and the Don improvement lands; thence easterly along the southerly limit of said park 80 feet; thence northerly parallel with the limit between said park and said Don improvement lands 120 feet; thence westerly parallel with the southerly limit of said park 180 feet; thence southerly parallel with said limit between said park and said Don improvement lands 120 feet to the intersection of the westerly production of said south limit of the said park; thence easterly along said production 100 feet to the place of beginning, may be used by the said city as a site for an infectious diseases hospital, and for that purpose the said land is hereby removed from the dedication by by-law No. 2761 of the said corporation passed on the 8th day of December, 1890, of the lands thereby included in a public park and also from the land set apart as part of the Don improvement.

Provided that nothing herein contained shall in any way affect or prejudice the terms of an order made by the Queen's Bench Division of the High Court of Justice on the 18th day of July, 1892, in an action of C. J. Smith *versus* The corporation of the city of Toronto, and others. 56 V. c. 85, s. 2.

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INCANDESCENT LIGHT.*See GAS AND ELECTRIC LIGHT COMPANIES.***INDUSTRIAL EXHIBITION.****42 Vict. c. 81 (Ont.)****An Act to incorporate the Industrial Exhibition Association of Toronto.***[Assented to 11th March, 1879.]***Preamble.**

WHEREAS Angus Morrison and others hereinafter named have, by their petition, prayed that an association may be incorporated for the purpose of promoting industries, arts, and sciences generally, and of establishing and holding agricultural, industrial, art, and other exhibitions at the city of Toronto; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation.

1. Angus Morrison, John Jacob Withrow, Philip Armstrong, James McGee, Patrick George Close, Alexander McGregor, Andrew Smith, William Rennie, George Leslie the younger, William F. McMaster, Thomas Davison, Lucius R. O'Brien, Edward Gurney the younger, H. P. Dwight, and E. B. Shuttleworth, and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other corporations, societies and associations as shall, under the authority of this Act, be associated with them in and become members of the corporation hereby created, shall be a body politic and corporate, by the name of the Industrial Exhibition Association of Toronto, and, by that name, shall and may have perpetual succession, and a common seal, with power to break and alter the same, and, by that name, shall and may sue and be sued in all courts of law and equity in this province; and the said corporation shall have their principal place of business at Toronto, but may open such

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office or offices at such places as may be found necessary or convenient for the purposes of their business. 42 V. c. 81, s. 1.

2. The said association is hereby authorized and empowered, either permanently or periodically, in structures, buildings, enclosures, and places located in the city of Toronto or the township of York, suitable for exhibition purposes, and for the promotion of industries, arts, and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions, and improvements of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for the carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association: Provided always, and it is enacted, that the said association shall at no time acquire or hold any lands or tenements, or interests therein, exceeding in the whole, at any one time, the annual value of twenty thousand dollars, nor otherwise than for actual use or occupation for the purposes of the said corporation; Provided that said association shall not hold their annual exhibition during the week in which the provincial fair is held. 42 V. c. 81, s. 2.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting every thing contemplated by this Act; to charge such entrance fees, and to award, give, and pay to exhibi-

Exhibitions
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tors such prizes, medals, and honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions, and for such purposes, as the board of directors may deem best for the interests of the said association. 42 V. c. 81, s. 3.

Members of association.

4. The mayor of the city of Toronto, the treasurer of the city of Toronto, the chairman of the executive committee of the council of the corporation of the city of Toronto, and the standing committee thereof known as the Committee on Exhibitions (nine members), the directors of the Toronto Electoral District Society (twelve in number), the warden of the county of York, and two representatives being members of the county council of the county of York, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the year; five representatives, being members of the Manufacturers' Association of Ontario, representing five of the leading manufactures or industries, to be appointed at the annual meeting thereof; two representatives of the Educational Department for Ontario, to be named and appointed by the Minister of Education; two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say: The Ontario Society of Artists, The Toronto Mechanics' Institute, The Toronto Horticultural Society, The Board of Trade of Toronto, The Stock Breeders' Association of Ontario, The Canadian Institute, The Fruit Growers' Association of Ontario, The Lumbermen's Association of Ontario, The Ontario Veterinary Association, The Poultry Association of Ontario, and the Ontario College of Pharmacy, such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers; one representative from each of the following corporations, associations, or bodies, namely: The Dairymen's Association of Eastern Ontario, The Dairymen's Association of Western Ontario, The Millers' Association of Ontario, and the Corn Exchange of Toronto, such representatives to be named and appointed by the said several societies, corporations and associations at their annual meeting for the election of officers; such number of representatives of such other corporations, associations, organizations or societies, not named above as may from time to time, upon application to be made by such corporations, associations, organizations or societies, be admitted to the said Industrial Exhibition Association of Toronto by vote thereof, at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the board of directors and sanctioned by the association at its annual meeting, and all such other persons as the

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board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said Industrial Exhibition Association of Toronto, and the said several persons and representatives named, or hereafter to be admitted under the provisions of this Act, and the by-laws of the said last mentioned association, shall be the members of the said Industrial Exhibition Association of Toronto. 42 V. c. 81, s. 4.

5. The said Angus Morrison, John Jacob Withrow, Provisional Philip Armstrong, James McGee, Patrick George Close, directors, Alexander McGregor, Andrew Smith, William Rennie, George Leslie the younger, William F. McMaster, Thomas Davison, Lucius R. O'Brien, Edward Gurney the younger, H. P. Dwight and E. B. Shuttleworth, shall be provisional directors of the said Industrial Exhibition Association of Toronto, to organize said association, and shall hold office until the election of directors, as hereinafter provided. 42 V. c. 81, s. 5.

6. Forthwith, after the passing of this Act, the said Meeting for provisional directors, or a majority of them, shall notify, first election of directors, in writing, the several corporations, organizations, persons, associations and societies specially mentioned in section four of this Act, of the provisions of this Act, and shall, at the same time, request each of them to name and appoint representatives (where the same are provided for in this Act), to the said Industrial Exhibition Association of Toronto, pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or corporations, or, by a certificate, signed by the presiding officer and secretary or clerk of such organization, society, corporation, or association, as the case may be; and such notice shall likewise contain a statement of the time and place of holding the first meeting of the members of the association for the election of directors and such other business as may require to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting, in one of the newspapers published in the city of Toronto. 42 V. c. 81, s. 6.

7. At the first meeting of the members of the associ- Qualification ation hereby incorporated, for the election of directors, of directors and voters, each member of the association, being a representative, shall produce to the said provisional directors a certificate, under the seal of the corporation, association, society, or organization which he represents, or, under the hand of the presiding officer and secretary, of his due and proper appointment; and the said provisional directors, or a majority of them, shall, at the time of such election, cause

a list of all duly qualified members of the association hereby incorporated, to be made out and placed upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting. 42 V. c. 81, s. 7.

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8. In the event of no appointment of representatives under the provisions of this Act having been made, from any cause, by any of the societies, corporations, organizations or associations specially named in the fourth section thereof, before the time fixed by the provisional directors for the holding of the meeting for the election of directors of the said association hereby incorporated, then, and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation, or society so having failed to make such appointment, shall be the representatives of such association, organization, corporation, or society, and shall be *ex officio* members of the corporation hereby created, until the appointments contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said last mentioned association. 42 V. c. 81, s. 8.

Number of
directors, etc.

9. The board of directors shall consist of not less than fifteen nor more than twenty (a majority of whom shall be resident in the city of Toronto), to be determined at the meeting to be held, as provided for in the seventh section of this Act; such election and every question voted on at such meeting shall, if demanded by two members, be decided by ballot by a plurality of votes of the members of the association hereby incorporated, present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice-presidents, and directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided for by the by-laws of the said association; and if any vacancy shall at any time happen, by death, resignation, or otherwise, in the office of president, vice-president, or directors, the remaining directors shall supply such vacancy by the appointment of some member of the association for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors or such other day as may be fixed by by-law, as hereinafter provided and mentioned. 42 V. c. 81, s. 9.

Powers of
directors.

10. The directors shall have full power to make all by-laws, rules and regulations not inconsistent with the pro-

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visions of this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned, and the collection thereof, and the securing of the guarantee subscription fund, as also hereinafter mentioned, and the rating of assessments thereon, and the collection of such assessments, as the same may be required; the acquisition of exhibition grounds and buildings, by purchase, lease, agreement, or otherwise, and the selling, leasing, mortgaging, or otherwise disposing of the same, as occasion may require; the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with the exhibition, or other business and operations of the said association, and the sale or other disposal thereof, when no longer required for such purposes; the entering into any and all arrangements, agreements, and contracts with any person or corporation, society, or association, as the same may become necessary to carry out the objects of the said association; the admission of other persons as members, and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association hereby incorporated, and the terms and conditions of such admission; the fees (if any) to be paid by members of the association; the holding of exhibitions, annual or periodical; fixing the time for the annual meeting, and the calling of general, special, and other meetings of the association; the appointment, removal, and remuneration of all officers, agents, clerks, workmen and servants of the association; the admission fees to be received from persons visiting their exhibitions; the entrance fees to be charged to exhibitors; the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association. 42 V. c. 81, s. 10.

11. Before the directors of the said association shall undertake the holding of any exhibition or commence the business and operations contemplated by this Act, they shall secure or have on hand a cash fund of not less than ten thousand dollars, and also a guarantee fund or subscription of not less than twenty thousand dollars, to be used and applied for the purposes and objects for which the said association is hereby incorporated. 42 V. c. 81, s. 11.

When society may commence operations.

12. Notwithstanding anything contained in the Act passed by the Parliament of the province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered seventeen, intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in the

Certain societies authorized to make agreements with and aid association.

fourth section of this Act, and for all or any of the corporations, associations, organizations, or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management, and officers, to enter into any arrangements and to make any agreements and contracts with the board of directors of the association hereby incorporated for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this province. 42 V. c. 81, s. 12.

Aid from municipalities.

13. The municipal council of any city, town, village county or township, in this province, may grant money, and the municipal council of the city of Toronto, the township of York, or the county of York, may grant land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent and may appropriate the moneys so recovered to the purposes of such municipality: Provided always, that no municipal council of any city or county shall in any one year grant any such money or bonus to any greater extent than five thousand dollars, and no other municipal council shall in any one year grant any such money or bonus to any greater extent than five hundred dollars, nor shall any land be so granted or given under the provisions of the Municipal Act as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure, and not payable within the same municipal year, such provisions being those which require and relate to the assent of electors and otherwise. 42 V. c. 81, s. 13.

Actions for calls and assessments.

14. In any action for the recovery of assessments or arrears on assessments, upon any guarantee subscription or fund, in aid of the association hereby incorporated, subscribed for under the authority of this Act, it shall be sufficient for the said association to allege that the defendant, being a subscriber to the said fund, and for an amount to be named, is indebted to the association in respect of assessments made upon the amount of such subscription, in the sum due, whereby an action hath accrued to the association by virtue of this Act; and at the trial it shall only be necessary to prove that the defendant was a subscriber to

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the said guarantee fund for such an amount, and that such assessment was made according to the by-laws and rules of the association; it shall be unnecessary to prove the appointment of the directors who made such assessment, or any other matters whatsoever, except what is before declared, and a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the association, certified to be a true copy or extract, under the hand of the president or vice-president, or the manager or secretary of the association, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute, or entry, without further proof thereof, and without proof of the official character of the officer signing the same, or of the corporate seal. 42 V. c. 81, s. 14.

15. The council of any municipality and the association hereby incorporated, and the directors thereof, are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association, and for the representation of such municipality in the said association, by the appointment of members of the council thereof as representatives to such association, and all representatives so appointed in pursuance of any such agreement shall become members of the said association, and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act, as occasion may require; but subject to the special provisions contained in section thirteen of this Act. 42 V. c. 81, s. 15.

16. It shall and may be lawful for the association hereby incorporated to unite and amalgamate with "The Industrial Exhibition Company," incorporated under the Act passed by the Parliament of the province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered sixty-eight, upon such terms and conditions as may be mutually agreed upon between the directors of the said association and company, such agreement to be ratified by the vote of a majority of the members present and voting, at a special general meeting of the said association and company, to be called for the purpose, due notice of the holding of such meeting having been given in some newspaper published in the city of Toronto, at least two weeks before such meeting is held. 40 V. c. 68. 42 V. c. 81, s. 16.

17. In the event of such union and amalgamation taking place, as is provided for in the next preceding section, the

Agreement
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said amalgamated company and association shall thereafter form one company or association, under such name as they may adopt by such vote as aforesaid, having a common seal, and all the powers, privileges, rights and franchises theretofore enjoyed by the said association and company and the members thereof respectively, shall thereafter belong to and be enjoyed by the said amalgamated company or association; and the members of the said association and company shall be members of the said amalgamated company, and the directors of the said amalgamated company or association shall not exceed the number fixed by section nine of this Act, and they shall have all the powers conferred upon directors by this Act, and the said Act incorporating the said company; and the said Act shall be taken and read as one Act, so far as they are not inconsistent with each other, and subject to the terms and conditions contained in the agreement for the union and amalgamation of the said company and association; but where any of the provisions of the said Act incorporating said company and this Act are not consistent with each other, the provisions of this Act shall govern. 42 V. c. 81, s. 17.

Certain sections of 40 V. c. 17, incorporated.

18. Sections seven, eleven, fourteen, fifteen, twenty-two, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-nine, forty-five, forty-six, forty-seven, one hundred and four, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, and one hundred and sixteen, of the Act passed by the Parliament of the province of Ontario, in the fortieth year of the reign of Her Majesty, chaptered seventeen, and intituled "An Act for the Encouragement of Agriculture, Horticulture, Arts and Manufactures," are hereby incorporated with, and are to be taken and deemed as part of this Act, and shall apply to the said association, and to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts' Association, and to exhibitions held by such association, except in so far as they may be inconsistent with the enactments hereof, and the expression "this Act," when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid. 42 V. c. 81, s. 18.

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INDUSTRIAL FARM.**9 Vict. c. 70.**

An Act to amend the Act of Incorporation of the
City of Toronto.

[Passed 9th June, 1846.]

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32. * * That it shall and may be lawful for the Council may
mayor, alderman and commonalty of the city of Toronto ^{purchase} to purchase a parcel or tract of land to be called the ^{"Industrial}
Industrial Farm of the City of Toronto, not less than two ^{Farm."}
hundred acres in extent within such convenient distance
as they may deem expedient, not more than ten miles,
and to erect or build thereon such houses, buildings,
yards and other enclosures as may be deemed proper for
the purposes of this Act. (a) 9 V. c. 70, s. 32.

ISLAND.**18 Vict. c. 145.**

An Act to confirm the City of Toronto in the pos-
session of the Peninsula and Marsh now held
by it under License. (b)

[Assented to 19th May, 1855.]

WHEREAS the mayor, aldermen and commonalty of Preamble.
the city of Toronto now hold, under a license of

(a) Sections 33 and 35 of this Act are superseded by 55 V. c. 42, ss. 460,
462 and 504, sub-s. 8. Section 34 is now inapplicable, The City Indus-
trial Farm being within the city limits.

(b) What is commonly called the Island was included in the city by
the Act of incorporation, 4 W. IV. c. 23, s. 2, p. 11, and was made over to
the city by the Crown by letters patent dated 26th June, 1867. In the
Patent it was described as "All that part of the peninsula which forms the
harbour of the city lying west of the gap and known as the Island, with
the exception of a block or tract of land of ten acres at and adjoining
the lighthouse, to be hereafter surveyed and its boundaries defined in a
manner most suitable for the purposes of the said lighthouse. Saving
and excepting and reserving unto us, our heirs and successors, all rights
of fishery and free access to and occupation of so much of the shores of

occupation from the Crown, bearing date the twelfth day of January, one thousand eight hundred and forty-seven, the peninsula in front of the said city, and also the marsh adjoining the said peninsula, to the eastward of the bay in front of the said city, and being desirous to improve the said peninsula, and to reclaim the said marsh, have expended large sums of money in surveying the same, and have laid out the said peninsula in roads and streets, with a view of leasing the same to individuals, and have also entered into a correspondence with, and adopted a resolution to co-operate with the harbour commissioners, to carry out any measures that may be adopted for the benefit and improvement of the harbour, by the construction of a canal across the said peninsula, or by such other means as may be found necessary:

Be it therefore enacted by the Queen's Most Excellent

Lake Ontario and the Bay of Toronto to the extent of one chain in depth from the water's edge as are now occupied for fishing purposes."

The greater portion of the marsh was made over to the city by Crown Patent, dated 18th May, 1880, and was described as follows: "All that parcel of marsh land and land covered by water, containing by computation 1385 acres, be the same more or less, situate to the southward of part of the easterly portion of the city of Toronto, and which may be more particularly known and described as follows:—Commencing at a turned cedar post planted with broken crockery, glass and iron underneath, in the limit between Lots Nos 4 and 5, in the broken front concession from the Bay, of the township of York, now in the city of Toronto; said post being distant 1443 feet, measured on a course south $16^{\circ} 40' 38''$ east, being along the said limit between said lots Nos. 4 and 5 from the southerly limit of the road allowance between the broken front and first concession from the Bay of the said township; thence south $72^{\circ} 44' 22''$ west 8637 feet, 3 inches, to a turned cedar post, distant 412 feet, on a course south $16^{\circ} 40' 38''$ east from a point in the southerly limit of South Park street, distant 326 feet, 9 inches, westerly, from the westerly limit of Leslie street, measured on the said limit of South Park street; thence south $56^{\circ} 40' 52''$ west 2173 feet to a turned cedar post distant 1033 feet on a course south $16^{\circ} 40' 38''$ east from a point in the southerly limit of South Park street aforesaid, distant 270 feet easterly from the easterly limit of Carlaw street in the said city measured on the southerly limit of South Park street aforesaid; thence south $61^{\circ} 52' 22''$ west 5330 feet to a turned cedar post distant 1034 feet on a course south $16^{\circ} 40' 38''$ east from a point in the southerly limit of Mill street in the said city, distant 248 feet westerly from the westerly limit of East street measured on the southerly limit of Mill street aforesaid; thence north $65^{\circ} 52' 38''$ west 409 feet 2 inches to the north-easterly corner of the breakwater constructed at the mouth of the river Don; thence south $68^{\circ} 55' 22''$ west along the northerly side of said breakwater 1528 feet to a point where the westerly limit of Parliament street if produced would intersect the northerly side of said breakwater; thence south $30^{\circ} 44' 38''$ east 6000 feet; thence north $52^{\circ} 30'$ east 4130 feet; thence north $44^{\circ} 45'$ east 7805 feet; thence north $55^{\circ} 50'$ east 5785 feet to a point in the production southerly of the division line between lots Nos. 4 and 5 aforesaid, distant 590 feet from the place of beginning; thence north $16^{\circ} 40' 38''$ west along the production of the said line 590 feet to the place of beginning."

"To have and to hold unto the said the corporation of the city of Toronto, their successors and assigns, for ever; saving, excepting and reserving, nevertheless, unto us, our heirs and successors, the free use, passage and enjoyment of, in, over and upon all navigable waters that shall or may be hereafter found on or under or be flowing through or upon any part of the said premises hereby granted, and saving and excepting and reserving unto us, our heirs and successors, all rights of fishery and free access to and occupation of so much of the shores of Lake Ontario and the Bay of Toronto to the extent of one chain in depth from the

Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:—

1. It shall and may be lawful for the government of this Province, by an order in council or otherwise, to grant

Governor-in-Council may grant the said peninsula, etc., to the corporation.

water's edge as are now occupied for fishery purposes; reserving also to us, our heirs and successors for ever the right to occupy at pleasure any parts of the said premises which may at any time hereafter be required for objects connected with the defence of our said Province which it may be expedient to occupy for lighthouse purposes, and upon and subject to the conditions that all leases and conveyances of any portion of the said lands which may be made by the said city shall be subject to the approval of our Lieutenant-Governor in Council or as our said Lieutenant-Governor in Council may direct, and that all net rents and profits derived by the said city from the said lands shall be expended in improving the Queen's Park from time to time in any way expressed by our Commissioner of Public Works for the time being, and with respect to which no provision is made by the existing lease from the University of Toronto to the said city, or in such other improvements in the city of Toronto of a public and municipal character as our said Lieutenant-Governor may direct."

Another portion of the marsh was made over to the city by patent, dated 17th April, 1882, consisting of "All that parcel of marsh lands and land covered by water shewn and coloured red on a plan of survey by Wadsworth and Unwin, P.L.S., dated 16th February, 1881, of record in the Department of Crown Lands and described as follows, that is to say: Commencing where a turned cedar post has been planted to mark an angle in the northerly boundary of the 'marsh lands' hitherto patented to the city of Toronto by patent dated 18th May, 1880, which post is distant 1034 feet on a course south 16° 40' 38" east from a point on the southerly limit of Mill street in the said city, which point is distant 248 feet westerly from the westerly limit of East street measured on the southerly limit of Mill street aforesaid; thence north 65° 52' 38" west 409 feet and 2 inches to the north-easterly corner of the breakwater constructed at the mouth of the river Don; thence easterly along the water's edge of the river Don on a course north 82° 18' 22" east 398 feet and 10 inches; thence south 5° 40' 22" west 221 feet and 8 inches, more or less, to the place of beginning, containing 43,048 square feet, more or less."

On the 4th October, 1888, the following lands were granted by the Crown to the Commissioners of the Harbour of Toronto: "All and singular that certain parcel or tract of marsh land and land covered by water, containing by admeasurement 5 96-100 acres, be the same more or less, situate to the southward of part of the easterly portion of the city of Toronto, and which may be more particularly known and described as follows, that is to say:—Commencing at a point on the northerly limit of the marsh lands heretofore patented to the city of Toronto by patent dated 18th May, 1880, said point being at the intersection of a line drawn through the extreme westerly edge of the stone abutment on the north side of the Grand Trunk Railway bridge over the river Don parallel with the west limit of Saulter street in said city as shewn on sketch attached hereto; thence 16' west along said line drawn as aforesaid 760 feet to the intersection of the southerly edge of the river Don; thence south-westerly along said edge of said river 500 feet, more or less, to a point which is distant 400 feet westerly from and measured at right angles to the last mentioned course; thence south 16° east 540 feet to the intersection of the north boundary of the marsh lands patented as aforesaid; thence north 61° 52' 22" east along said boundary 410 feet, more or less, to the place of beginning."

Proviso : con-
ditions may
be inserted in
the grant and
enforced.

to the said mayor, aldermen, and commonalty of the city of Toronto, the said peninsula, and the marsh to the eastward of the said bay (commonly known as Ashbridge's Bay), upon such terms and conditions as the Governor of this Province in Council may think fit: Provided always, that in any order in council, letters patent, or other instrument granting to the said corporation the said peninsula or marsh, or any part thereof, or any other lands now vested in the Crown, it shall be lawful to insert any conditions or restrictions as to the manner in which the same shall be used, or the purposes to which they shall be applied, or the buildings and works which shall or shall not be erected thereon, or any other conditions or restrictions whatever which the Governor shall think it for the public interest to cause to be inserted; and such conditions and restrictions shall have full force and effect, any rule of law as to the conditions or restrictions which may be inserted in grants and enforced at law to the contrary notwithstanding. 18 V. c. 145, s. 1.

Public Act. 2. This Act shall be deemed a Public Act. 18 V. c. 145 s. 2.

JURORS.

56 Vlot. c. 16 (Ont.)

An Act to amend The Jurors' Act.

[Assented to 27th May, 1893.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 13
repealed.

1. The Act passed in the 55th year of Her Majesty's reign chaptered 13 is repealed. 56 V. c. 16, s. 1.

Selection of
Jurors for
city of To-
ronto and
county of
York.

2. It shall not be necessary for the sheriff of the county of York, the sheriff of the city of Toronto, the senior judge of the county of York, a junior judge of said county, the warden of said county, and the mayor of the said city, to attend together upon the selection of jurors to serve in the High Court and inferior courts; but the sheriff of the county of York, the senior judge of the said county and the warden of said county, shall attend at such election of jurors so far as it is made from the list prepared by the selectors for the local municipalities in the county of

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York other than the city of Toronto; and the sheriff of Toronto, the senior junior judge of the said county and the mayor of the city of Toronto shall attend at such selection of jurors so far as it is made from the list prepared by the selectors for the city of Toronto. And any selection of jurors so made shall be deemed in all respects valid and effectual and a sufficient compliance with the provisions of *The Jurors' Act*. Selectors whose attendance is hereby made unnecessary shall not be entitled to fees for such unnecessary attendance. 56 V. c. 16, s. 2. Rev. Stat. c. 52.

LAND TITLES.

See REGISTRY AND LAND TITLES OFFICES.

LIBRARY AND MUSEUM.

R. S. O. (1887), c. 189.

An Act to provide for the establishment of Free Libraries.

* * * * *

6.—(1) The board of management shall submit to the Submission council not later than the first day of March in each year, of estimates a detailed estimate of the several sums required to pay, by board to council, during the ensuing financial year:

1. Interest on any money borrowed as hereinafter mentioned;
2. The amount of the sinking fund;
3. The expense in detail of maintaining and managing the libraries, or news-rooms under their control, and of making any purchases required therefor. 55 V. c. 47, s. 2.
7. The board of management shall keep distinct and Board to keep regular accounts of their receipts, payments, credits and regular accounts.



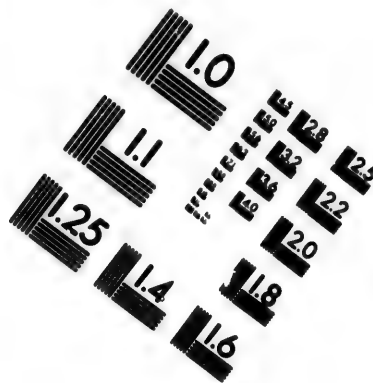
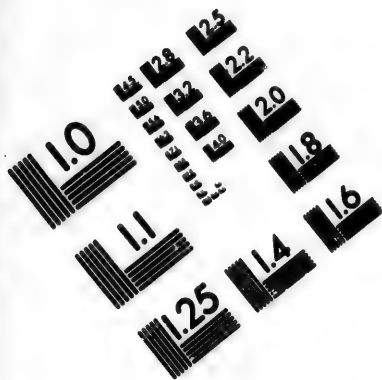
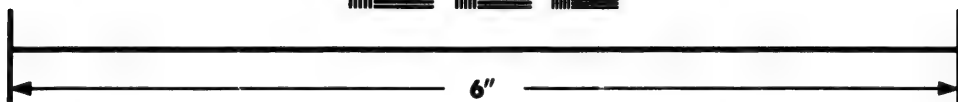
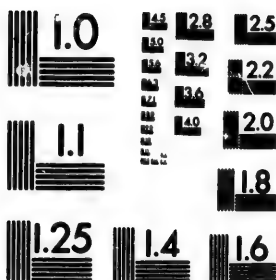


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liabilities, and the accounts shall be audited by the auditors of the municipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board of management. R. S. O. (1887), c. 189, s. 7.

Special rate
for library
purposes.

8.—(1) For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said board to be required as aforesaid, but not exceeding one-quarter of a mill in the dollar in cities having a population of 100,000 or over upon the assessed value of all rateable real and personal property, such rate to be called "The Free Library Rate." R. S. O. (1887), c. 189, s. 8 (1); 55 V. c. 47, s. 3 (1).

* * * * *

55 Vict c. 47 (Ont.)

An Act to amend the Free Libraries' Act.

[Assented to 14th April, 1892.]

* * * * *

Museums.

5. No free library board shall establish or maintain a museum except by and with the consent of the council of the municipality; but this section shall only apply to cities having a population of 100,000 or over. 55 V. c. 47, s. 5.

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LOCAL IMPROVEMENTS. (a)

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1. STREETS BETWEEN TORONTO AND PARKDALE.

51 Vict. c. 54 (Ont.)

An Act respecting the Town of Parkdale.

[Assented to 23rd March, 1888.]

* * * * *

1. All the provisions of *The Municipal Act* as to local improvements, so far as they relate to streets or highways, shall apply to Dufferin street and Roncesvalles avenue, notwithstanding that the real property on the west side of Dufferin street and east side of Roncesvalles avenue is within the town of Parkdale, and the real property on the east side of Dufferin street and the west side of Roncesvalles avenue is within the city of Toronto, and that Dufferin street is within the city of Toronto and Roncesvalles avenue is within the town of Parkdale. 51 V. c. 54, s. 1.

2. The councils of the said municipalities, after passing the by-laws for the doing of the work, are authorized and empowered to enter into agreements with each other as to the construction thereof, and as to the portion of the cost of such improvements to be borne by the real property in each municipality, and each of the said corporations is authorized and empowered to issue debentures for the portion of the said cost to be borne by the real property in such municipality. In case of disagreement the portion of said cost to be borne by the real property in each municipality is to be determined by arbitration pursuant to the provisions of *The Municipal Act*. 51 V. c. 54, s. 2.

* * * * *

(a) Sections 447, 464, 465 and 466 of 36 Vict. c. 48 (*The Municipal Institutions Act, 1873*), were amended so far as related to the city of Toronto, by 40 Vict. c. 39, ss. 1, 2, 3 and 4. The above sections of 36 Vict. c. 48, were subsequently re-enacted as R. S. O. (1877), c. 174, ss. 529, 551, 552, 553. (See *In re Brock and The City of Toronto*, 45 Q. B. 53; and 46 Vict. c. 43, s. 5 (p. 125), which preserved the provisions of 40 Vict. c. 39, ss. 1 to 4.) The enactments of 36 Vict. c. 48, were continued by 46 Vict. c. 18, ss. 570, 612; R. S. O. (1887), c. 184, ss. 569, 612; 53 Vict. c. 50, s. 38, and 55 Vict. c. 42, ss. 569, 612, none of which contained the amendments of 40 Vict. c. 39. See now 55 Vict. c. 42, s. 616 (4).

MARKETS.

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1. MARKET SITES. (a)

(a) Market Square.

1 WILL IV., c. 10.

An Act for vesting in Trustees the Market Square in the Town of York, for the benefit of the inhabitants of the said town.

[Passed March 16th, 1831.]

WHEREAS Alexander Wood and Thomas Stoyell, of the town of York, have by their petition set forth that by His Majesty's letters patent the Market Square in the said town, containing about four acres and a half, had been granted in fee simple to the Honourable Henry Alcock and the Honourable Peter Russell, the Honourable Æneas Shaw and the Honourable John McGill, without expressing, as was intended, any trust; that the same was intended for the use of the public as a market, and that the said John McGill, the sole surviving grantee, by a certain indenture of lease for nine hundred and ninety-nine years, made between him and the said petitioners, then serving as town and churchwardens for the said town, and which said indenture of lease has been lost and cannot be found, hath, as such survivor, leased the same to the petitioners and their successors in the said offices of church and town wardens for the management of the same for the use of the public of the said town; and that they were desirous of being relieved from the said trust, and praying that a bill might be passed vesting the Market Square in trustees to, for and upon such trusts as might be deemed proper; And whereas it is expedient to grant the prayer of the said petitioners, and to make further provisions vesting the said estate;

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent

(a) By 54 Geo. II. c. 15 (repealed by 12 V., c. 80, Sch. A.) the Commissioners of the Peace in the Home District were "authorized and empowered to fix upon and establish some convenient place in the town of York as a market," etc.

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LOCAL IMPROVEMENTS. (a)

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51 Vict. c. 54 (Ont.)

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[Assented to 23rd March, 1888.]

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2. The councils of the said municipalities, after passing the by-laws for the doing of the work, are authorized and empowered to enter into agreements with each other as to the construction thereof, and as to the portion of the cost of such improvements to be borne by the real property in each municipality, and each of the said corporations is authorized and empowered to issue debentures for the portion of the said cost to be borne by the real property in such municipality. In case of disagreement the portion of said cost to be borne by the real property in each municipality is to be determined by arbitration pursuant to the provisions of *The Municipal Act*. 51 V. c. 54, s. 2.

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MARKETS.

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1 Will IV., c. 10.

An Act for vesting in Trustees the Market Square in the Town of York, for the benefit of the inhabitants of the said town.

[*Passed March 16th, 1831.*]

WHEREAS Alexander Wood and Thomas Stoyell, of the town of York, have by their petition set forth that by His Majesty's letters patent the Market Square in the said town, containing about four acres and a half, had been granted in fee simple to the Honourable Henry Alcock and the Honourable Peter Russell, the Honourable Æneas Shaw and the Honourable John McGill, without expressing, as was intended, any trust; that the same was intended for the use of the public as a market, and that the said John McGill, the sole surviving grantee, by a certain indenture of lease for nine hundred and ninety-nine years, made between him and the said petitioners, then serving as town and churchwardens for the said town, and which said indenture of lease has been lost and cannot be found, hath, as such survivor, leased the same to the petitioners and their successors in the said offices of church and town wardens for the management of the same for the use of the public of the said town; and that they were desirous of being relieved from the said trust, and praying that a bill might be passed vesting the Market Square in, trustees to, for and upon such trusts as might be deemed proper; And whereas it is expedient to grant the prayer of the said petitioners, and to make further provisions vesting the said estate;

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent

(a) By 54 Geo. III., c. 15 (repealed by 12 V., c. 80, Sch. A.) the Commissioners of the Peace in the Home District were "authorized and empowered to fix upon and establish some convenient place in the town of York as a market," etc.

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of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same.

1. That the said market square or ground appearing upon the official map of survey of the said town of York as reserved for a market, containing as is said about four and a half acres, more or less, be and the same is hereby vested in the church and town wardens for the time being, and in their successors in the said offices for ever hereafter, as a corporation for leasing and managing the same as hereafter mentioned. 1 W. IV. c. 10, s. 1.

2. And be it further enacted by the authority aforesaid that the said church and town wardens for the time being as such corporation shall have full authority and power to lease the same in such parcels and for and upon such terms as the magistrates for the said district shall in general or adjourned sessions from time to time order and direct. 1 W. IV. c. 10, s. 2.

3. And be it further enacted by the authority aforesaid that all moneys arising from such lease or leases shall be paid into the hands of the treasurer of the said district, and shall be at the disposal of the magistrates of the said district for public uses for the benefit of the inhabitants of the said town of York and for no other use or purpose whatsoever. 1 W. IV. c. 10, s. 3.

4. And be it further enacted by the authority aforesaid that nothing herein contained shall extend or be construed to extend to do away or in any manner to interfere with the present leases of the said market square; but that the same shall be taken and considered to be valid and effectual to all intents and purposes whatsoever. 1 W. IV. c. 10, s. 4.

5. And whereas a certain part of said market square known as lot number twelve in Market lane has been heretofore used for the purpose of a common school house for the said town, and it is expedient to provide for the permanent application of the same for the purposes of such common school;

Be it therefore further enacted by the authority aforesaid, that the said lot number twelve aforesaid shall be and

the same is hereby deemed to be vested in the trustees of the said common school, and their successors duly appointed according to law as a corporation for that purpose. 1 W. IV. c. 10, s. 5.

4 Will. IV. c. 23.

An Act to extend the limits of the Town of York, to erect the said town into a City; and to incorporate it under the name of the City of Toronto.

[Passed 6th March, 1834.]

* * * * *

Market square vested in the city for public uses.

87. * * The market square, containing about four acres and a half, formerly granted by patent to the Honourable Henry Alcock, the Honourable Peter Russell, the Honourable Æneas Shaw, and the Honourable John McGill, and which by an Act of the Parliament of the Province, passed on the first year of the reign of His present Majesty, entitled, "An Act for vesting in trustees the market square in the town of York, for the benefit of the inhabitants of the said town," was vested in the church and town wardens, and also the lot in and by the said Act vested in the trustees of the common school shall be, and the same are hereby conveyed to and vested in the said city of Toronto to hold to the said city of Toronto forever, to and for the public use of the said city, to be superintended and managed as the said city by Act of common council shall or may from time to time direct. 4 W. IV. c. 23, s. 87.

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(b) St. Andrew's and St. Patrick's Markets.

7 Will. IV. c. 41.

An Act to establish two additional markets in the
City of Toronto. (b)

[Passed 4th March, 1837.]

WHEREAS certain inhabitants of the city of Toronto *Preamble.*
have petitioned to have a market established in the
west end of the said city on a piece of land set aside and
reserved for the same in the recent survey of the govern-
ment reserve in the west end of the said city and situate
at the corner formed by the intersection of Brant street
with Adelaide street, and bounded on the north by Simcoe
street; on the east by Brant street, aforesaid; on the
south by Adelaide street, aforesaid; and on the west
by an open space left on the plan for a public street
or highway; and also to have another market established
on that part of park lot number thirteen, which has been
set apart for the purpose, being ninety feet wide on Lot
street and running northerly three hundred feet; and
whereas it is expedient and necessary and would promote
the benefit and convenience of the said inhabitants and of
a large portion of the population of the said city in
general to have the said markets established:

Be it therefore enacted, by the King's Most Excellent
Majesty, by and with the advice and consent of the
Legislative Council and Assembly of the Province of Upper
Canada, constituted and assembled by virtue of and under
the authority of an Act passed by the Parliament of Great
Britain, entitled an Act to repeal certain parts of an Act
passed in the fourteenth year of His Majesty's reign, entitled
an Act for making more effectual provision for the govern-
ment of the Province of Quebec in North America, and
to make further provision for the government of the said
Province and by the authority of the same.

1. That from and after the passing of this Act, markets *Two new*
shall be established and kept in each of the said pieces or *markets to be*
parcels of land respectively, so soon as a title for the same *established in*
respectively shall be obtained by the city of Toronto for *the city of*
the purpose. 7 W. IV. c. 41, s. 1. *Toronto,*
when the
sites shall be
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the corpora-
tion.

2. Provided always, and it is hereby enacted by the
authority aforesaid, that the said pieces or parcels of land
hereby established as sites for markets and everything *Land and*
relating thereto shall be and the same are hereby declared *markets sub-*
to be under and subject to the control of the common *ject to the*
control of the
Common
Council.

(b) This Act was repealed by 12 V. c. 80, Sched. A.

council of the city of Toronto, and to be managed and conducted by such rules and regulations as they shall from time to time make concerning the same, in like manner and to the same extent as the market already established in the said city by the Act of incorporation, is managed and controlled by the common council of the said city. (c) 7 W. IV. c. 41, s. 1.

2. CATTLE MARKET.

49 Vict. c. 66 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

* * * * *

Cattle
market.

18. The Council of the corporation of the city of Toronto may pass a by-law for taking so much land as may be required for a new cattle market (d), subject to the right of the owner or owners to receive all due and proper compensation therefor, the same to be settled by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in case the parties differ about the same: Provided, that no by-law for the taking or purchasing of any such lands for the purposes aforesaid, shall be passed until the necessary funds shall have been first provided by by-law submitted to and approved of by the vote of the ratepayers duly qualified to vote on such by-law under *The Consolidated Municipal Act, 1883*. 49 V. c. 66, s. 18.

* * * * *

MARSH.

See ASHBRIDGE'S BAY—ISLAND.

(c) See 4 Will. c. 23, s. 87, p. 270.

(d) Conveyance of ordnance lands for enlargement of "Western Cattle Market." See 55-56 V. c. 7 (Dom.), p. 276.

(a) See 1
also 7 Vict.
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ORDNANCE LANDS.(a)

RIGHTS OF RAILWAYS—See RAILWAYS.

89 Vict. c. 62 (Ont.)

An Act to empower the Corporation of the City of Toronto to dispose of a portion of the Garrison Reserve in said City.

[Assented to 10th February, 1876.]

WHEREAS the corporation of the city of Toronto have, Preamble.
by their petition, represented that the lands hereinafter described (with other lands), were granted to them by Letters Patent under the Great Seal of the late province of Canada, for the purpose of being dedicated and maintained as a public park; and that a great portion of the said land is broken ground and would require the expenditure of a large sum of money, in order to be made suitable for the said purpose; and that the said corporation already possesses, or is about to acquire, in addition to the University or Queen's Park, three other parks containing in all about four hundred acres, which parks will for some time to come be sufficient for the requirements of the citizens, and that the lands hereinafter described have now become exceedingly valuable for building purposes; and the said corporation has therefore petitioned for power to sell, lease, or otherwise dispose of the said lands free from the said trust; and it is expedient to grant the prayer of the said petition; And whereas, the said lands comprise all and singular that certain parcel or tract of land situate, lying and being within the liberties of the city of Toronto aforesaid, being composed of part of the military reserve within the said liberties, and which may be otherwise known as follows: That is to say, commencing at an ordnance boundary stone, planted on the south side of Queen street, in the year one thousand eight hundred and fifty-three, by Sandford Fleming, P.L.S., and verified and approved by the officers of the Royal Engineers and Ordnance Departments, which stone is situated on the south side of Queen street, at the north-east angle of a lot granted to and at present occupied by Mr. Farr, brewer. The stone is marked ^x_{O.E.S.}; and may be found between the north east angle of Farr's brick brewery and the south side of the stone bridge, which conveys the water of the Garrison creek under Queen street; thence south fifteen degrees twenty minutes east, along the east side of Farr's

(a) See 16 Vict. c. 219, s. 10, p. 168; 20 Vict. c. 80, s. 7, p. 176. See also 7 Vict. c. 11; 19 Vict. c. 45.

lot three hundred and sixteen links, to a boundary stone marked thus ^{IX.}_{O.B.S.}; thence south-easterly on a straight line one hundred and seventy links, more or less, to the intersection of the north side of Clifford street with the east side of a lane recently laid out; thence southerly along the east side of said lane produced to the south side of Wellington street; thence westerly along the south side of Wellington street four hundred and sixty-six feet more or less, to Strachan's avenue; thence southerly along the east side of Strachan's avenue produced three hundred and ten links; thence easterly in a direct line along the northerly side of allowance for Front street to be continued over the embankment, at present used by the Northern Railway, to an ordnance boundary stone marked ^{XV.}_{O.B.S.}, planted at the south side of a block of land formerly owned by the late Honorable Receiver-General Dunn, and which stone marked ^{XV.}_{O.B.S.} is four hundred and seventy-two links easterly from the intersection of the west side of Bathurst street, with the north side of Front street; thence north-westerly along the ordnance boundary on a direct line six hundred and thirty-nine links to a stone marked ^{XIV.}_{O.B.S.} on the west side of Tecumseth street; then north-westerly, following the said boundary along a curve having a radius of twenty-five chains, a distance of one thousand one hundred and twenty-two links, to a stone marked ^{XIII.}_{O.B.S.}; thence north-westerly, still along the said boundary, along a curve with a radius of two thousand nine hundred and twenty-five links, a distance of one thousand one hundred and five links, to a stone marked ^{XII.}_{O.B.S.}, planted on the north side of King street; thence northerly, on a curve having a radius of seventy chains, and being on the said boundary, a distance of one thousand eight hundred and twenty-four links to a boundary stone marked ^{XI.}_{O.B.S.}, planted on the south side of Queen street; thence westerly, along the south side of Queen street two hundred and ten links, to place of beginning, containing about twenty-two and one-half acres.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

Power to sell
the Garrison
Reserve.

1. The said the corporation of the city of Toronto shall have the same power to sell, lease, or otherwise dispose of the lands in the preamble described or of any part or parcel thereof, as any person has with regard to lands of which he is seized in fee simple absolute, and all sales, leases, or other dispositions thereof heretofore made by the said corporation shall be, and be deemed to have been valid notwithstanding anything in the said patent contained: Provided that the proceeds of any such sale, lease,

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or other disposition shall form part of the walks and garden fund of the said corporation, and shall be used and applied only in the acquisition and maintenance of public parks, squares, and gardens for the use of the citizens of the said city of Toronto. 39 V. c. 62, s. 1.

42 Vict. c. 75 (Ont.)

An Act respecting the Debenture Debt and certain property of the City of Toronto.

[Assented to 11th March, 1879.]

* * * * *

18. The corporation of the city of Toronto shall have the same power to sell the lands comprised in and granted to them by letters patent, under the great seal of the late province of Canada, bearing date the twenty-first day of October, one thousand eight hundred and fifty-eight, and being all and singular that certain parcel or tract of land situate, lying and being within the liberties of the city of Toronto aforesaid, being composed of part of the military reserve, within the said liberties, and which may be otherwise known as follows: that is to say, commencing at the south-east angle of the grounds granted to the Provincial Lunatic Asylum; thence southerly in continuation of the eastern boundary of the said Lunatic Asylum grounds, three hundred and seventy-one feet, more or less, to the north side of King street, thence westerly along the north side of King street to a point four hundred feet east of a line drawn at right angles to King street and through the centre of the asylum buildings; thence southerly at right angles to King street, four hundred and eighty-four feet, more or less, to the north side of Wellington street; thence westerly along the north side of Wellington street, eight hundred feet; thence northerly on a line at right angles to King street, four hundred and eighty-four feet, more or less to the north side of King street; thence westerly along the north side of King street to the line of the westerly boundary of the asylum grounds produced; thence northerly along the said produced line, three hundred and seventy-one feet, more or less, to the south-west angle of the asylum grounds; thence easterly along the southern limit of the said asylum grounds, two thousand and nine hundred and eighty feet, more or less, to the place of beginning, containing about thirty-three and a half acres, or of any part or parcel thereof, as any person has with regard to the lands of which he is seized in fee simple

Corporation
empowered to
sell certain
lands.

Proviso.

absolute: and all sales, leases, exchanges, or other dispositions thereof, or of any part thereof, heretofore made by the said corporation shall be and be deemed to have been valid notwithstanding any thing in the said patent contained: Provided that the proceeds of any such sale, lease, or other disposition, or of any lands taken in exchange as aforesaid, shall form part of the walks and gardens fund of the said corporation, and shall be used and applied only in the acquisition and maintenance of public parks, squares, and gardens for the use of the citizens of the said city of Toronto, save and except as to the twenty acres parcel thereof, in said letters patent reserved for exhibition grounds, the proceeds of which shall be applied in aid of the exhibition fund pursuant to the by-laws of the said corporation in that behalf. 42 V. c. 75 s. 18.

* * * * *

55-56 Vict. c. 7 (Dom.)

An Act to authorize the conveyance to the Corporation of the City of Toronto of certain Ordnance Lands in that City.

[Assented to 10th May, 1892.]

Preamble.

WHEREAS the lands hereinafter mentioned and described are part of the property mentioned in *The British North America Act, 1867*, as ordnance property, and are included as such in the schedule to the revised statute respecting ordnance and admiralty lands, belonging to class two mentioned in the latter Act; and whereas the corporation of the city of Toronto require the said lands for the enlargement of a market in that city known as the "Western Cattle Market," and have applied for a grant of the said lands for the sum of fifty-two thousand dollars, which sum has been fixed upon as the present value of the said lands; and whereas the said market is largely used in connection with the cattle trade between the Dominion of Canada and England, and the said corporation have expended large sums of money, and have used other means to foster and increase the said trade, which is a matter of interest and benefit to the whole of Canada; and whereas it is expedient that the said grant be made upon payment of the said sum of fifty-two thousand dollars:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may grant, for the sum of ^{Certain lands} fifty-two thousand dollars, to be paid in such manner and ^{may be con-} at such times as he deems proper, the lands hereinafter ^{veyed.} mentioned—or such interest therein as Her Majesty has for the use of Canada—to the corporation of the city of Toronto, their successors and assigns, namely, all and singular that certain parcel or tract of land situate, lying and being in the city of Toronto and province of Ontario, and described as follows:—Commencing on the east limit of Strachan avenue, at the intersection of the southerly limit of the right of way of the Canadian Pacific Railway Company (formerly belonging to the Credit Valley Railway Company); thence southerly, along the said limit, six hundred and seven feet, to the intersection of the northerly limit of the lands of the Grand Trunk Railway Company, (formerly belonging to the Great Western Railway Company); thence north: sixty-eight degrees, fifty-three minutes east, two hundred and ninety-seven feet and six-tenths of a foot, to the intersection of the fence forming the southerly limit of the lands now used in connection with the immigration sheds; thence north forty degrees, thirty-eight minutes east, along the said fence, three hundred and nine feet and six-tenths of a foot, to an angle in the said fence; thence north twelve degrees, eight minutes east, still along the said fence, two hundred and eight feet and seven-tenths of a foot, to the southerly limit of the right of way of the Canadian Pacific Railway aforesaid; thence north eighty-seven degrees, thirty minutes west, along the said limit of the right of way, six hundred and ninety-six feet to the easterly limit of Strachan avenue and the place of beginning. 55-56 V. c. 7, s. 1.

Description.

PARKDALE.

	PAGE.
1. MUNICIPALITY OF.	
(a) <i>Generally</i>	278
(b) <i>Boundaries of</i> —See BOUNDARIES OF CITY AND WARDS.	
2. WATER AND GAS WORKS	289
3. ANNEXATION TO THE CITY	311
4. SCHOOLS—See SCHOOLS.	

1. MUNICIPALITY OF.(a) *Generally.***47 Vict. c. 56 (Ont.)**

An Act to empower the Municipality of the Village of Parkdale to make special Assessments and for other purposes.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the corporation of the village of Parkdale have by petition set forth that they have incurred debts for works or improvements (including drainage) done or constructed as local improvements, under the provisions of *The Municipal Act* without sufficient or valid by-laws having been passed authorizing such works or improvements, or providing for the borrowing of the money or for making assessments for such works or improvements, and they are desirous of being authorized to cause an assessment to be made and to pass by-laws to provide funds for the payment of the debts so incurred for said works or improvements, and it is deemed expedient to grant the prayer of the said petition; and whereas said petition further sets forth that an Act of this Province was passed in the forty-fourth year of Her Majesty's reign, chaptered forty-four, providing for the erection of water or gas works at the village of Parkdale, and thirty thousand dollars of the said debentures have already been issued under the authority of the said Act, and it is doubtful whether the provisions of the said Act have been strictly complied with, whereby doubts exist as to the validity of the said debentures, and also by reason of the non-compliance with the provisions of the said Act doubts exist as to the power of the said municipality to issue further debentures within the limit of the amount authorized by the said Act, and it is deemed expedient to remove the said doubts; and whereas said petition further sets forth that doubts have been raised as to the validity of certain debentures issued by the said municipality for school purposes and as to the

power of the said municipality to issue valid debentures for school purposes, and it is deemed expedient to remove said doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

1. In any case where a debt has been incurred in respect of any of the works or improvements set forth in schedule "A" to this Act, it shall be lawful for the council of the village of Parkdale, and they are hereby authorized to cause an assessment or assessments to be made and to pass a by-law or by-laws to provide funds for the payment of the debts so incurred for the said works or improvements, and to validate all rates and assessments already or hereafter to be levied in respect thereof, and not contrary to the provisions of this Act. 47 V. c. 56, s. 1.

2. In making such assessments, and in passing such by-law or by-laws, the amounts to be provided for shall be the amounts remaining unpaid in respect to such works or improvements, after crediting the amounts (if any) which shall have been paid under any assessment made to pay any such debt or debts, but in the making of any such assessment under the provisions of this section, any increase or decrease of the annual rate or assessment heretofore fixed or levied in respect of any property shall be alike as to all the properties affected by such assessment. 47 V. c. 56, s. 2.

3. In ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited by such works or improvements, the amount paid in respect of such property shall be taken into consideration and allowed. 47 V. c. 56, s. 3.

4. With respect to any such by-laws or debts and any debentures to be issued thereunder or therefor, the said council shall have all the powers conferred upon municipal councils by section 410 of *The Consolidated Municipal Act, 1883*. 47 V. c. 56, s. 4.

5. The by-laws of the said village of Parkdale set forth in schedule "B" to this Act, the numbers whereof are set out in the third column of the said schedule, being by-laws for the construction of local works or improvements and for drainage purposes, and the respective debentures issued thereunder, the numbers whereof are set out in the first column of the said schedule, with the coupons to the said debentures attached, are hereby declared to be valid and binding upon the said corporation, notwithstanding any defect whatever in the said by-laws or debentures, or in any way connected therewith. 47 V. c. 56, s. 5.

Debentures
set out in
schedule B
confirmed.

6. All debentures issued under the provisions of the said Act respecting water or gas works, being the debentures set forth in schedule "C" to this Act shall be, and the same are hereby confirmed and rendered valid, notwithstanding any want of form or non-compliance with the provisions of the said Act. 47 V. c. 56, s. 6.

Power to
issue further
debentures.

7. The said municipality is empowered from time to time to issue such further debentures as may be required to provide for the cost of works already completed or works to be performed, following, so far as circumstances will permit, the form provided by the said Act: Provided, that such further debentures, together with the debentures already issued under the said Act, shall not in the whole exceed the sum of one hundred thousand dollars. 47 V. c. 56, s. 7.

Separation of
village from
school section
22, and acts of
village and of
school board
confirmed.

8. The said municipality is hereby declared for school purposes to be separate from school section No. 22, and all acts, deeds and things done by the said school board or by the said village at the request of the said public school board since the incorporation of the said village, are hereby declared to be as valid and binding, notwithstanding any defect in or non-observance of formal steps, altering the boundaries of said section or separating the said municipality from said section after the incorporation thereof, as if such municipality had been erected into a school section according to law, and the said school board is hereby declared to have all the rights, powers and privileges conferred on public school boards of villages by any Act or Acts of the Legislature. 47 V. c. 56, s. 8.

SCHEDULE A.

(See Sec. I.)

Shewing debts incurred for Works and Improvements done and constructed as local improvements, without By-laws.

Nature of Work or Improvement.	Locality.	Cost.
Sidewalk on East side of Spencer avenue..	In front of lots 16 and 84 to 73 inclusive	\$250 31
Grading sidewalks and crossings	Both sides of Union street..	355 08
Sidewalks	North side of Abbs street, formerly Abbs alley.....	38 00
Cribwork and grading	Lake front foot of Dowling avenue	680 00

SCHEDULE B.

(See Sec. 5.)

Shewing Local Improvement and Drainage By-laws and Debentures validated by this Act.

LOCAL IMPROVEMENTS.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
28	August 28th, 1880....	No. 54..	Grading sidewalk and curbing Duncanson, Fuller, and Ruth streets	\$1,500 00
29	August 30th, 1880....	No. 53..	Sidewalk east side of O'Hara avenue and south side of Marion street	300 00
30	August 25th, 1880....	No. 58..	Crossing Great Western Railway at Dunn avenue	240 22
31	November 12th, 1880.	No. 63..	Grading sidewalk and curbing Tyndall avenue	300 00
32	May 11th, 1881.....	No. 77..	Sidewalk Dowling avenue....	280 00
33	August 10th, 1881....	No. 83..	Extension of Marion street....	800 00
34	September 18th, 1882.	No. 112.	Grading and sidewalks on north side Queen street from Dufferin street to Jameson avenue and south side from Cowan avenue to Dowling avenue	1,085 48
35	November 20th, 1882.	No. 123.	Grading sidewalks and curbing on Lorne, Rose, Prospect and Dunn avenues and Lorne and Victoria Crescents.	3,050 00
36	January 10th, 1883 ..	No. 125.	Cribwork foot Dunn avenue...	320 00
37	January 10th, 1883 ..	No. 126.	Grading and sidewalk east side Roncesvalles avenue.	410 00
38	January 10th, 1883 ..	No. 128.	Sidewalks north side of Queen street from Jameson avenue to Sorauren avenue.	320 00
39	January 10th, 1883 ..	No. 129.	Sidewalks on Brockton road from Queen street to Brockton village limits, and sidewalks south side of Clarke street	650 00
40	January 10th, 1883 ..	No. 135.	Widening Calendar street	2,366 00
				\$11,621 70

DRAINAGE.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
29	May 18th, 1881.....	No. 78 ..	For draining parts of village of Parkdale (Godson & West system)	\$1,183 53
30	January 10th, 1883 ..	No. 127.	South-western section drainage.	5,000 00
31	January 10th, 1883 ..	No. 127.	South-western section drainage.	3,950 85
				\$10,134 38

SCHEDULE C.

(See Sec. 6.)

Shewing debentures issued under the provisions of 44 Vict., cap. 44.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
5	July 3rd, 1882	No. 109	Water Works	\$2,000 00
1	"	"	"	5,000 00
2	"	"	"	2,000 00
3	"	"	"	2,000 00
4	"	"	"	1,000 00
6	"	"	"	5,000 00
7	July 26th, 1883	"	"	500 00
8	"	"	"	500 00
9	"	"	"	1,000 00
10	"	"	"	500 00
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16	"	"	"	1,000 00
17	"	"	"	1,000 00
18	"	"	"	1,000 00
19	"	"	"	1,000 00
20	"	"	"	1,000 00
				\$27,000 00

47 V. c. 56, Sched.

48 Vict. c. 68 (Ont.)

An Act respecting the Village of Parkdale.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS by an Act of the Legislature of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, and intitled *An Act respecting Water and Gas Works at Parkdale*, authority is given to the municipal council of the said village to issue debentures for the purposes therein mentioned to an amount not exceeding one hundred thousand dollars; and whereas by-law number seventy-nine of the said village, authorizing the issue of debentures for the said purposes to the amount of thirty thousand dollars, was duly submitted to and received the assent of the electors of the said village, and debentures in pursuance of the said by-law to the amount of the said sum of thirty thousand dollars have been issued thereunder; and whereas by-law one hundred and nine of the said village

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authorizing the issue of debentures for the said purposes to the amount of fifty thousand dollars (in addition to the said debentures, issued under by-law number seventy-nine aforesaid) was duly submitted to and received the assent of the electors of the said village, and debentures in pursuance thereof to the amount of twenty-seven thousand dollars have been issued thereunder; and whereas by an Act of the Legislature of the Province of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-six, and intituled *An Act to empower the Municipality of the Village of Parkdale to make Special Assessments and for other purposes*, the said last-named debentures to the amount of twenty-seven thousand dollars were declared to be valid and binding upon the said municipality; and whereas by-law one hundred and ninety-one of the said village, authorizing the further issue of debentures for the said purpose to the amount of fifteen thousand dollars, was passed by the council of the said village without the assent of the electors on the assumption that under by-law one hundred and nine aforesaid, which had been duly assented to by the electors, and which provided for the issue of debentures to the amount of fifty thousand dollars, and under which only twenty-seven thousand dollars of debentures had been issued as aforesaid, the said council had authority to do so; and whereas doubts had been raised as to the validity of said by-laws and of the said fifteen thousand dollars of debentures last issued as aforesaid, and as to the power of the said council to pass any by-law or by-laws for the issue of debentures for the said purposes without the assent of the electors, although the said electors have assented to the issue of eighty thousand dollars of debentures in all as aforesaid for the said purposes and only seventy-two thousand dollars of debentures in all have been issued as aforesaid; and whereas doubts have also been raised as to the power of the said council, even with such assent, to pass such a by-law or by-laws for the issue of debentures beyond the said sum of fifty thousand dollars; and whereas it is expedient to remove such doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws numbers seventy-nine, one hundred and ninety and one hundred and ninety-one of the said village, and the debentures heretofore issued thereunder, including the said issue under by-law one hundred and ninety-one, of the said fifteen thousand dollars of debentures, are hereby declared to be valid and binding upon the municipal corporation of the village of Parkdale to all intents and for all purposes whatsoever. 48 V. c. 68, s. 1.

Certain by-laws and debentures legalized.

Power to
issue debentures for
\$8,000.

2. At any one time, or from time to time, as the council of the said corporation may deem expedient, the said council may pass a by-law or by-laws, without procuring or obtaining the assent of the electors thereto, for the issue of further debentures for the purposes mentioned in the Act, passed in the forty-fourth year of Her Majesty's reign and chaptered forty-four, to an amount not exceeding the sum of eight thousand dollars, being the difference between eighty thousand dollars, the total amount to which the electors have heretofore assented as aforesaid, and seventy-two thousand dollars, the total amount of debentures issued as aforesaid for the said purposes. 48 V. c. 68, s. 2.

By-laws
authorizing
further issue
of debentures
for \$20,000.

3. After the said eight thousand dollars of debentures shall have been issued, the said council may, either at any one time, or from time to time, with the assent of the electors in the manner provided by the said Act passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, pass a by-law or by-laws for the issue of debentures for the purposes mentioned in the said Act, so that the whole amount of the debentures to be authorized by the said by-law or by-laws shall not exceed the sum of twenty thousand dollars, or with the debentures to the issue of which the said electors have heretofore assented as aforesaid, the sum of one hundred thousand dollars. 48 V. c. 68, s. 3.

Issue of
debentures
authorized by
preceding
section.

4. Should the said council submit to the electors and should the electors assent to a by-law for the issue of the whole of the said twenty thousand dollars of debentures, then the said council may either at one time or from time to time, as they may deem expedient, without any fresh by-law or by-laws, issue the debentures thereunder, having regard to the provisions of the said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, as to the respective dates of the maturity of the said debentures and otherwise. 48 V. c. 68, s. 4.

Provision as
to cost of
works con-
structed as
local improve-
ments.

5. (1) And whereas the corporation of the village of Parkdale have by petition set forth that certain by-laws of the said village have been passed for the construction of works as local improvements, and the actual cost of such improvements has exceeded the estimated cost thereof, and certain other works have been constructed by said village as local improvements, and by the Act of the Legislature of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-six, the said municipality has been authorized to pass by-laws to provide for the cost of such works; and whereas the cost thereof has exceeded the amounts provided for in said Act, and the said corporation are desirous of being authorized

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to pass by-laws to provide funds for the said excess in the cost of such improvements, and also to have any doubts removed as to the mode of raising the moneys provided for in the said Act, for the improvements therein mentioned, and it is deemed expedient to grant the prayer of such petition ;

It is therefore enacted as follows :—

In all cases in which by-laws of the said village for the construction of works as local improvements shall have been passed, and in which the estimated cost of such works shall have been exceeded by the actual cost thereof (which said by-laws and the amounts still required to pay for the works authorized thereby are set out in the first part of the schedule to this Act) and in the case of all works embraced in schedule "A" to the Act of the Legislature of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered 56, in respect of which the actual cost thereof shall have exceeded the sums mentioned in said schedule "A" (which said works and the amounts still required to pay for the same are set out in the second part of the schedule to this Act) the municipal council of the said village is hereby empowered to pass a further by-law or by-laws authorizing the issue of supplemental debentures for the amount by which the actual cost of such works has exceeded the estimated or scheduled cost thereof as aforesaid, together with interest on such excess, and authorizing a supplemental assessment or assessments to be made for paying the said supplemental debentures upon the respective properties upon which the former assessments for the same purposes were respectively levied or authorized so to be upon the respective owners thereof.

(2) Section one of the said Act, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-six, is hereby amended by inserting between the words "the" and "works" in the second line thereof the word "local," and by inserting between the words "made" and "and" in the fifth line thereof the words "upon the property liable therefor under the local improvement clauses of *The Municipal Act*."

(3) Section five of the said Act is hereby amended by inserting between the words "corporation" and "notwithstanding" in the ninth line thereof the words "and upon the property liable therefor under the local improvement clauses of *The Municipal Act*." 48 V. c. 68, s. 5.

6. And whereas the said corporation have by their Power to petition also set forth that they have, with the assent of the electors of the said municipality, issued debentures to the amount of ten thousand dollars and have paid the moneys realized from the sale of the said debentures on account of the cost of construction of a subway on Queen street

issue debentures for \$5,000 for cost of subway.

between Parkdale and the city of Toronto, pursuant to the terms of an agreement entered into between the said municipality and the Grand Trunk Railway Company and other railway companies, that the said subway is now built and has cost more than the original estimate, and it will be necessary for the said corporation to issue debentures to the amount of five thousand dollars in addition to the said sum of ten thousand dollars to pay in full the moneys payable by them for the said work under the said agreement, and they are desirous of being authorized to pass a by-law to provide funds to pay for the said work and to issue debentures to the extent of the said additional sum of five thousand dollars therefor, and it is deemed expedient to grant the prayer of the said petition;

It is therefore further enacted as follows:—

(1) The corporation of the village of Parkdale are hereby authorized and empowered from time to time or at any one time to pass a by-law or by-laws for the issue of debentures not exceeding in amount the sum of five thousand dollars, for the purpose of obtaining the sum, in addition to the said sum of ten thousand (a) dollars which the said corporation require to raise on account of the expense of the said subway, the said debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of six per centum per annum payable half yearly.

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investment thereof to discharge the debt when payable.

(3) In settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum to be capitalized yearly.

(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality. 48 V. c. 68, s. 6.

(a) See 46 V. c. 45, ss. 5, 6, 8, pp. 120, *et seq.*; 51 V. c. 54, s. 6 (Ont.), p. 288.

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No. By-Law.	WORK.	ESTIMATED OR SCHEDULED COST.	ACTUAL COST INCLUDING INTEREST.	SUPPLEMENTAL DEBENTURES.
FIRST PART.				
25	Jameson Avenue, S	368 00	405 21	37 21
39 and 77	Dowling Avenue	1130 00	1208 26	78 26
54	Dunc., Ruth and Fuller...	1500 00	1545 25	45 25
58	Dunn Ave. Railway Crossing	240 22	448 65	208 48
63	Tyndall Avenue	300 00	378 78	78 78
83	Marian St. extension	800 00	1180 46	380 46
112	Queen and Dufferin	1085 45	1231 40	145 95
135	Callendar Street	2366 00	2733 61	367 61
164	Leopold Street	252 43	257 43	5 00
SECOND PART.				
	Union Street	355 08	357 25	2 17
	Abbs Street	38 00	43 02	5 02
	Dowling Avenue Crib	680 00	729 97	69 97

48 V. c. 64, Sched.

51 Vict. c. 54 (Ont.)

An Act respecting the Town of Parkdale.

[Assented to 23rd March, 1888.]

WHEREAS, the corporation of the town of Parkdale Preamble.
have by their petition prayed for special legislation
relating to the several matters and things hereinafter set
forth; and whereas it is expedient to grant the prayer of
the said petition:

Therefore Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

Local improvement provisions to apply to certain streets situated partly in Toronto and partly in Parkdale.

1. All the provisions of *The Municipal Act* (b) as to local improvements, so far as they relate to streets or highways, shall apply to Dufferin street and Roncesvalles avenue, notwithstanding that the real property on the west side of Dufferin street, and east side of Roncesvalles avenue, is within the town of Parkdale, and the real property on the east side of Dufferin street and the west side of Roncesvalles avenue is within the city of Toronto, and that Dufferin street is within the city of Toronto and Roncesvalles avenue is within the town of Parkdale. 51 V. c. 54, s. 1.

Agreements between municipalities authorized.

2. The councils of the said municipalities, after passing the by-laws for the doing of the work, are authorized and empowered to enter into agreements with each other as to the construction thereof, and as to the portion of the cost of such improvements to be borne by the real property in each municipality, and each of the said corporations is authorized and empowered to issue debentures for the portion of the said cost to be borne by the real property in such municipality. In case of disagreement, the portion of said cost to be borne by the real property in each municipality, is to be determined by arbitration pursuant to the provisions of *The Municipal Act*. (b) 51 V. c. 54, s. 2.

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Power to issue debentures for payment of sub-way.

6. (1) The corporation of the town of Parkdale are hereby authorized and empowered from time to time, or at any one time, to pass a by-law or by-laws for the issue of debentures, not exceeding in the whole the sum of \$20,000(c), for the purpose of paying all the expenses and liabilities of the said corporation, in respect or on account of the Queen street sub-way, and from time to time to issue the said debentures, to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of five per cent. per annum, payable half yearly.

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient with the estimated interest on the investment thereof to discharge the debt when payable.

(3) In settling the sum to be raised annually for the payment of the debt, the rate of interest on the investment shall not be estimated at more than five per centum per annum, to be capitalized yearly.

(b) R. S. O. (1887) c. 174.

(c) See 46 V. c. 45, ss. 5, 6, 8, pp. 120, *et seq.*; 48 V. c. 68, s. 6 (Ont.), p. 285.

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(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all ratable property in the municipality. 51 V. c. 54, s. 6.

7. The corporation of the town of Parkdale are here-Change of by authorized to change the assessment under drainage assessment under drain- by-law number 285, by assessing one-tenth of the cost of age by-law 285 author- the drainage works on the lands in schedules A and B in ized. said by-law mentioned, and nine-tenths thereof on the lands in the said schedule B mentioned, instead of assess- ing one-tenth on the lands in schedule A, and nine-tenths on the lands in schedule B, and to make all necessary ad- justments, refunds and collections consequent upon such change. 51 V. c. 54, s. 7.

2. WATER AND GAS WORKS.

44 Vict. c. 44 (Ont.)

An Act respecting Water and Gas Works at Parkdale.

[Assented to 4th March, 1881.]

WHEREAS the council of the corporation of the village Preamble. of Parkdale, have petitioned for the passage of an Act empowering the corporation of said village to construct, establish and maintain water-works, and gas-works in said village; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the village of Parkdale, by and Construction through the agency of commissioners and their successors of water to be elected and appointed as hereinafter provided, may works author- and shall have power to design, construct, build, purchase, ized. improve, hold and generally maintain, manage and conduct, water-works and gas-works or either of them, and all buildings, matters, machinery and appliances therewith connected or necessary thereto in the said village and parts adjacent, as hereinafter provided. 44 V. c. 44, s. 1.

2. The commissioners and their successors shall be a Water com- body corporate, under the name of the "Water and Gas missioners. Commissioners for the village of Parkdale," and shall be

composed of three members, of whom the reeve of the village of Parkdale, for the time being, shall be *ex-officio* one, and the said commissioners shall have all the powers necessary to enable them to build the water-works and gas-works hereinafter mentioned, and to carry out all and every, the other powers conferred upon them by this Act. 44 V. c. 44, s. 2.

Duties of commissioners.

3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said village, and the inhabitants thereof, and such other persons, companies, or bodies politic or corporate, as the council of the corporation of the said village, under the powers in this Act conferred, may contract with for that purpose, with a sufficient quantity of pure and wholesome water, and of gas of suitable power and purity. 44 V. c. 44, s. 3.

Powers of commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act. 44 V. c. 44, s. 4.

Power to enter on lands.

5. It shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the village of Parkdale, or within ten miles of the said village, but not within the city of Toronto, or the village of Yorkville, or the village of Brockton, unless by and with the consent of the council of such city or village, to be given by by-law in that behalf, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works and also to divert and appropriate any river, pond of water, spring or stream of water therein as they shall judge suitable and proper, except the streams in the township of York known as Well's creek and Baldwin's creek, and to contract with the owner or occupier of the said lands, and those having a right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required, for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of the said lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the commis-

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sioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of York, shall, on application of either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator in his behalf, or in case such land or water privileges be mortgaged, or pledged to any person or persons, the judge of the county court of the county of York, on application being made to him for that purpose, by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said village, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said county of York, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace, before whom the said arbitrators, or any of them shall be sworn, shall give either of the parties requiring the same, a certificate to that effect: Provided *Proviso.* always, that any award under this Act shall be subject to be set aside on application to any of the Superior Courts of this Province, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid. 44 V. c. 44, s. 5.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners as aforesaid, shall thereupon become and thereafter forever be vested in the corporation of the village of Parkdale, and

Lands, privileges and works to be vested in the corporation of Parkdale.

their successors, and it shall be lawful for the said commissioners and their successors to construct, erect and maintain, in and upon the said lands, all such reservoirs, water-works, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between said reservoirs and water-works and the springs, streams, rivers, lakes or ponds or water from which the same are procured, and the said village of Parkdale, by one or more lines of pipes, as may from time to time be found necessary, and for better effecting the purposes aforesaid, and for the purpose of conducting the water from the said works to the consumers thereof, whether within or beyond the limits of the said village of Parkdale, the said commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the streets, lanes, highways, railways and roads of and in the townships of York and Etobicoke, the city of Toronto, the village of Yorkville and the incorporated village of Brockton, and in, through, over and under the public ways, streets, lanes, railways or other passages of the said village of Parkdale, and in, upon, through, over or under the lands, grounds and premises of any person or persons, bodies corporate or politic or collegiate, or any lands of the crown, and to set out, ascertain, use and occupy such part or parts thereof as they the said commissioners, or their successors, shall think necessary and proper for the making and maintaining of the said works, or part thereof, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of, and to the corporation of the village of Parkdale, or for the use of the corporation of the said village or of the proprietors or occupiers of the lands through or near which the same may pass, to the municipalities hereinbefore mentioned, and the inhabitants thereof, and to those to whom they, the said commissioners are hereby empowered to supply the same, and, for this purpose, to sink and lay down pipes, tanks, reservoirs and other conveniences, and, from time to time, to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid, and all such water-works, pipes, erections and machinery, requisite for the said undertaking,

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shall likewise be vested in and be the property of the said corporation of the said village of Parkdale: Provided always that the powers and rights by this section given to or vested in the said commissioners or the corporation of the village of Parkdale shall not be enjoyed or exercised within the said city of Toronto or the village of Yorkville or the village of Brockton, except to such extent and subject to such conditions as by any by-law in that behalf the council of the said city or of either of the said villages respectively shall provide and require: Provided further that it shall not be necessary to obtain such consent from the city of Toronto to enable the said commissioners to lay water or gas mains or other works in connection therewith on Dufferin street in the said city for the purpose of supplying the residents on the west side thereof with gas, or water for purposes of fire protection. 44 V. c. 44, s. 6.

7. Where there are buildings within the village of Parkdale aforesaid, the different parts whereof belong to different proprietors or shall be in possession of different tenants or lessees, the said commissioners shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the water to that of another, the pipes being carried up and attached to the outside of the building, and, also, to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said commissioners doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers subject to which provisions this Act shall be sufficient authority for doing any of the things aforesaid. 44 V. c. 44, s. 7.

8. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the village of Parkdale and the township of York, to set out and ascertain such parts thereof as they may require for the purposes of said gas-works, and to contract with the owner or occupier of said lands for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said commissioners; and in case of any disagreement between said commissioners and the owners or occupiers of the said lands, or any such privilege, as aforesaid, respecting the

Power to carry pipes over and across property, parts of which belong to different persons.

Power to enter on lands.

amount of purchase or value thereof, or as to the damage such appropriation shall cause to them or otherwise, the same shall be decided by arbitration in the same manner as is provided in the fifth section of this Act, and the proceedings on such arbitration shall be as therein set forth. 44 V. c. 44, s. 8.

Company may
break up
streets, etc.

9. Under and subject to the provisions contained in section thirteen, chapter thirty-nine, of an Act passed in the fortieth year of Her Majesty's reign, intituled "An Act respecting the city of Toronto, the Toronto Water-Works, and other matters," which said section thirteen shall for the purposes of this Act be held as applying to and including the village of Brockton and the village of Yorkville, in the same manner and to the same extent as the said section applies to and includes the city of Toronto, the said commissioners may break up, dig and trench so much and so many of the public streets, roads, squares, highways and other public places either of the village of Parkdale, the city of Toronto, the village of Yorkville, the village of Brockton, and the township of York, as may at any time be necessary or required for laying down the mains and pipes to conduct the gas from the works of the said commissioners to the consumers thereof, whether within or beyond the said limits of the said village of Parkdale, or into, through, or over any part of the city of Toronto, the village of Yorkville aforesaid, the village of Brockton aforesaid, or of the township of York, or for taking up, renewing, altering or repairing the same whenever the said commissioners shall deem it expedient; doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares and public places, while the works are in progress, and making the said opening in such parts of the said streets, squares and public places, as the council of the city, village or township, as the case may be, shall reasonably permit and point out, also placing such guards or fences and such lamps, and taking all such precautions as may be necessary for the prevention of accidents to passengers and others, which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places, in as good condition as before the commencement of the work, without any unnecessary delay: Provided, that for the purpose of laying mains it shall not be lawful for the said commissioners, except with the written consent of the engineer of the city of Toronto, or the person for the time being acting as such, or the reeve or head of the council of either of the said villages as the case may be, to break up or interfere with any of the streets, squares, lanes or passages of the said city of Toronto, or of either of the said villages as the case may be, until after thirty days'

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notice in writing of such intention shall have been given to the said engineer, or the person for the time being acting as such, if any, or to the said reeve or head of the council as the case may be, but that it shall be lawful for the said commissioners to break up and interfere with such streets, squares, lanes or passages for the purpose of laying service pipes and for repairing any pipes in case of accident, without giving any such notice as aforesaid: Provided further, that unless any street, lane, square or passage broken up for the purpose of laying mains, or for any other purpose by the said commissioners is within forty-eight hours thereafter, restored to its original condition and so kept in repair by the said commissioners for six months, ordinary wear and tear excepted, the said engineer or reeve or head of the council as the case may be, may at any time within the said period of six months after forty-eight hours' notice in writing of such non-repairs at the head office of the said commissioners, order the same to be restored to its former condition at the expense of the city, or village as the case may be, and deduct the cost of such repairs from any money due by the corporation of the said city or village as the case may be, to the said commissioners, or the same may be recovered at the suit of such corporation against the said commissioners in any court of competent jurisdiction. 44 V. c. 44, s. 9.

10. Where there are buildings within any of the municipalities aforesaid, the different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the said commissioners shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants to convey the gas to that of another, or in possession of another, the pipes being carried up and attached to the outside of the building, and also for the same purpose to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, the said commissioners doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions, this Act shall be sufficient to indemnify the commissioners or their servants or those by them employed, for what they or any of them shall do in pursuance of the powers granted hereby. 44 V. c. 44, s. 10.

11. The said commissioners may from time to time make, construct, lay down, maintain, alter or discontinue such re-

Power to carry gas-pipes to buildings, parts of which belong to different proprietors.

hold land,

construct
buildings, etc.

torts, gasometers, receivers, and buildings, cisterns, engines, machines and other apparatus, cuts, drains, sewers, water-courses, reservoirs, machinery and other works, and also such houses and buildings upon the lands hereby authorized to be held and purchased by the said commissioners and do all other acts necessary and convenient as they shall think proper for manufacturing and supplying the inhabitants within the limits of this Act with gas; and may also sell, dispose of, or manufacture the refuse of any such gas, and any coke, tar, surplus coal, or coal not found to answer for making gas, or any other of their real or personal property ceasing to be required for their purposes. 44 V. c. 44, s. 11.

Construction
of pipes and
meters.

12. The commissioners may, doing no unnecessary damage by reason thereof, lay any pipes, branches or other necessary apparatus from any main or branch pipe, into, through, or against any building for the purpose of lighting the same with gas, and may provide and set up any apparatus necessary for securing to any buildings a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply. 44 V. c. 44, s. 12.

Streets, etc.,
where pipes
are being laid
to be kept
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caution taken
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dents.

13. In case the said commissioners open or break up any street, square, or public place in the said city of Toronto, village of Yorkville, village of Brockton, or township of York, and neglect to keep the passage of the said street, square or public place as far as may be, free and uninterrupted, or to place such guards or fences, or such lamps, or to place such watchmen or to take every such precaution as may be necessary for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places without unnecessary delay as hereinbefore provided, the council of the said city, village or township, as the case may be, after notice in writing to the said commissioners, shall cause the duty so neglected forthwith to be performed, and the expense thereof shall be defrayed by the said commissioners on its being demanded by the treasurer of the municipality, at any time not less than one month after the work shall have been completed in any case, from the said commissioners, or in default of such payment the amount of such claim may be recovered from the said commissioners at the suit of the corporation of the municipality, by civil action in any court of competent jurisdiction. 44 V. c. 44, s. 13.

Distance of
main pipes
from those
of other
companies.

14. The main and service pipes that shall be laid down by the said commissioners shall be at least three feet from those of any other main or service pipe then laid down for the purpose of either gas or water service, or where this shall be impracticable, as nearly so as the circumstances of the case shall admit: Provided always, that if any differ-

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once shall arise between the said commissioners and any person as to the practicability of the said commissioners so laying their pipes that they shall be at a distance of at least three feet from those of any such other main or service pipe so then laid down as aforesaid, then such difference shall, if relating to the laying of said pipes within the city of Toronto or the said village of Parkdale, be decided by the engineer of the said city, and if relating to the laying of pipes within any other municipality, by a civil engineer to be appointed by the council of such municipality, who if he shall be of opinion that it is not practicable to lay down the pipes at such distance as aforesaid, shall direct the mode in which the pipes shall be laid at such place and the distance at which they shall be apart, not exceeding the distance aforesaid: Provided always an appeal shall lie from any such decision of such engineer to the judge of the county court of the county of York. 44 V. c. 44, s. 14.

15. The main pipes laid down by the said commissioners shall have the initials of the corporate name of the said commissioners cast upon each of them, and also the ends of service pipes and stop-cocks which appear in the cellars of the houses or buildings to be supplied with gas, shall be legibly and permanently stamped or marked with the said initials to distinguish them from those of any [other] company, under a penalty of twenty-five dollars for each offence or neglect thereof, which penalty shall be paid to the corporation or person prosecuting, and shall be recovered by civil action in any court of competent civil jurisdiction. 44 V. c. 44, s. 15.

Main pipes to be stamped with initials of company.

16. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners, or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water or gas so that the same shall run useless out of the said works, or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, water or gas, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof, before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding the sum of twenty dollars, together with the cost of conviction, one-half to be applied to the use of the commissioners for the purposes of said works, and the other half to him or

Offences and penalties.

her who shall lay the information, and, in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for the purposes of the said works, and such justice may also, in his discretion, further condemn such person to be confined in the common gaol for the county of York, for any period not exceeding one calendar month, as to such justice shall seem meet, and such person or persons so offending, notwithstanding any such conviction as aforesaid, shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them. 44 V. c. 44, s. 16.

Material
exempt from
execution.

17. All materials procured, or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution. 44 V. c. 44, s. 17.

Books and
accounts to be
kept by com-
missioners.

18. The said commissioners shall be and are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings in which the accounts relating to the water-works, shall be separate and distinct from those relating to the gas-works, and the commissioners and the clerks employed in their service shall before entering on their respective duties, be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the village of Parkdale, or of any person or persons appointed for that purpose by the council of the corporation of the village of Parkdale, and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the village of Parkdale, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same respectively; and the commissioners and their successors, shall from time to time, in each year, deliver to the council of the said corporation, such other statement of the affairs of the said water-works and gas-works, as the said corporation may consider necessary, and which will afford to the inhabitants of the village of Parkdale a full and complete knowledge of the state of affairs of the said water-works and gas-works, and such information as may be required by the corporation of the said village, and all the accounts relating to said water-works and gas-works may be audited by the auditor of the said corporation in regular course. 44 V. c. 44, s. 18.

Inspection of
books.

Statements to
be furnished
to corpora-
tion.

Use of water
supply no dis-
qualification
for council.

19. No person shall be held to be disqualified from being elected, or sitting as a member of the council of the

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municipal corporation of the village of Parkdale, by reason of his being a taker or consumer of water or gas, supplied by the commissioners or the corporation, or by reason of any dealing or contract with the commissioners or the corporation, with reference to the supply of water or gas to such person. 44 V. c. 44, s. 10.

20. The commissioners for the time being shall regulate the distribution and use of the water and gas in all places, and for all purposes where the same may be required, and from time to time shall fix the prices for the use and consumption thereof, and the times and manner of payment, and they shall erect such number of public hydrants and such street lamps for lighting, and in such places as the council of the village may direct: *Regulations as to use of water.* Provided always, that all hydrants, conduits, or other appliances for the conveyance of water or gas which the corporation of the village of Parkdale may require under this Act within the said village, for the purpose of extinguishing fires, or watering or lighting the streets, shall be placed as the corporation of the said village shall direct, and shall be under their exclusive control and direction when erected; and the said commissioners are hereby empowered, at proper hours of the day, and upon reasonable notice given and request made by them for that purpose, to place meters for either gas or water, as the case may be, upon any service-pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the necessary appliances connected therewith, and the times when and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price, and the expense of such alterations may be collected in the same manner as water or gas rates: *Proviso.* Provided that no service-pipe, fittings or meters, belonging to the said water-works or gas-works, shall be subject to distress for rent due to any landlord in respect of premises, wherein the same may be. 44 V. c. 44, s. 20.

21. If any person shall wilfully damage or cause to be damaged, any such meter or any service-pipe or fittings, or wilfully alter any such meter, so as to lessen or alter the amount of water or gas registered thereby, as the case may be, or so as to cause the quantity registered or used to be falsely indicated, or shall wilfully remove, destroy, damage, fraudulently alter, or in any way injure any pipe, pedestal, post, plug, lamp, or other apparatus or thing belonging to the said work, or wilfully extinguish any of the public lamps or lights, or waste or improperly use or *Penalty on persons injuring or altering meters, etc.*

suffer to be used, any of the gas or water supplied from said works, he shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any justice of the peace for the county of York, and in case the said penalty and costs are not paid forthwith, the justice may commit the offender to the common gaol of the county of York, for any period not exceeding thirty days, unless the said penalty and costs are sooner paid. 44 V. c. 44, s. 21.

Water-rates.

22. The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate or rent, which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment, and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her, or their property, by the water-works and the locality in which the same is situated; and said commissioners shall from time to time, fix the price and rate per thousand feet of gas which any owner or occupant as aforesaid, to whom the same shall be supplied, shall pay therefor, and the times of payment, and such water rate as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid, upon such real estate, and the commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings. 44 V. c. 44, s. 22.

Lien for rates.**Rates to be paid over to treasurer.**

23. All water and gas rates and rents when collected, less disbursements, by the commissioners, shall be paid over monthly by the commissioners to the treasurer of the said village of Parkdale, and by him shall be placed to the credit of the gas and water accounts respectively, and the commissioners shall have power to make and enforce all necessary by-laws, rules and regulations for the general maintenance or management and conduct of the said water and gas works, and the officers and others in their employ, not inconsistent with this Act, and for the collection of said water and gas rates, or rents, and for fixing the times, which shall be quarterly, when and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shutting off the gas or water, or both, as the case may be, or by suit at law, in any court of competent jurisdiction, or by distress and sale of the goods and chattels of any owner or occupant supplied with such gas or water, or of any goods or chattels in his possession, wherever the same may be found, within the village of Parkdale or

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the county of York, or of any goods or chattels found on the premises, the property of, or in the possession of any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales for taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Court Act*: Provided that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien, if any, upon such premises. 44 V. c. 44, s. 23.

24. The commissioners, by by-law, shall have power, with the consent of the corporation of the village of Parkdale, to employ the village collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed and to fix their compensation, and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall, within the said village of Parkdale, have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the said village of Parkdale may by law possess and enjoy; and the commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province. 44 V. c. 44, s. 24.

25. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of said water-works or gas-works, or in any way obtain or use any water or gas therefrom, or furnish them or either of them to others, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works or gas-works purposes respectively, as the case may be, the sum of one hundred dollars in each case, and also a further sum of five dollars for each pipe or main for each day during which such pipe or main shall so remain, which sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the province, having jurisdiction to that amount. 44 V. c. 44, s. 25.

26. If any person shall bathe or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply, and not being within the city of Toronto, for such water-works in any lake, river, pond, creek, spring, source or fountain, from which the water of the said water-works is obtained, or shall convey, or cast, or throw, or put

Power to employ assessors, collectors, etc.

Protection in the exercise of office.

Using water without consent.

Bathing, etc., within one mile of source of water supply prohibited.

any filth, dirt, dead carcases, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain, to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence, not exceeding twenty dollars, together with costs, one half to be applied to water-works purposes, and the other half to him or her who shall lay the information; and in case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice may also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet. 44 V. c. 44, s. 26.

Power to make by-laws prohibiting wrongful use of water, and regulating supply.

27. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary, for prohibiting by fine, not exceeding twenty dollars, for water-works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof), any person being occupant, tenant or inmate of any house supplied with water from the said works, from lending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply of water by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every matter or thing relating thereto or connected therewith, which it may be necessary or proper to direct, regulate or determine, for issuing to the inhabitants of the said village a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied. 44 V. c. 44, s. 27.

Cost of laying service pipes

28. In all cases where a vacant space intervenes between the line of the street and the wall of the building

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into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners. 44 V. c. 44, s. 28.

29. The service pipes from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, meters and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipes or their fitting, either by neglect or otherwise, the commissioners may repair the same, and charge the cost thereof to the occupant or owner of the premises; the stop-cock placed by the commissioners inside the wall of the building shall not be used by the water tenant, except in cases of accident or for the protection of the building, or the pipes, and to prevent flooding of the premises. 44 V. c. 44, s. 29.

30. All parties supplied with water by the commissioners may be required to place only such taps for drawing and shutting off the water, as may be approved of by the commissioners. 44 V. c. 44, s. 30.

31. Neither the said commissioners nor the corporation of the village of Parkdale, shall be liable for damages caused by the breaking of any service pipe or attachment for the service of water, or for any shutting off of the water or gas to repair mains, or to tap pipes, provided notice be given of the intention to shut off the water or gas where the same is shut off more than six hours at any one time. 44 V. c. 44, s. 31.

32. It shall be lawful for the officers of the said commissioners, and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given, and request made for that purpose, to all parts of every building in which water or gas, or either, is delivered and consumed, and also in like manner to enter into and upon the lands and houses of any person or corporation for the purpose of erecting water and gas meters therein, and for the purpose of inspecting or altering the same. 44 V. c. 44, s. 32.

33. If any person or persons not being in the employment of the commissioners, or not being a member of the fire brigade of the village of Parkdale, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or hydrant chamber, by placing on it any building

material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars, for water-works purposes; or, in default of payment, be imprisoned in the gaol of the county for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day or part of a day, night, or part of a night, said obstruction shall continue, shall be considered a separate offence. 44 V. c. 44, s. 33.

Quorum of commissioners.

34. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act. 44 V. c. 44, s. 34.

Exclusive control of lands, etc.

Commissioners may sue or be sued.

35. The said commissioners shall have full, entire and exclusive possession, control and management of the said lands, water and gas-works, and all things appertaining thereto, and may in the name of "The Water and Gas Commissioners of the village of Parkdale," prosecute or defend any action or proceeding at law or in equity against any person or persons, or body corporate or politic, for money due for the use of water or gas, or both, for the breach of any contract, express or implied, touching the execution or management of the works, or distribution of the water or gas, or of any promise to or contract with them, and also for any injury, damage, trespass, spoil, or nuisance, or other wrongful act, done or suffered, or any unlawful interference with the water courses, source of water supply, gas-works, water or gas-pipes, or any pedestal, post, plug or lamp, or any machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of gas or water, or for any wilful extinguishing of public lamps or lights, or for anything otherwise arising out of their said office as commissioners. 44 V. c. 44, s. 35.

Cost of extending supply to suburbs

36. The commissioners are hereby empowered to arrange for the extension of pipes, in suburbs or partially built portions of the village of Parkdale, by allowing a deduction from the price charged for the water and gas, or either, to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties, under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water or gas rates. 44 V. c. 44, s. 36.

Powers to supply water and gas out-

37. The commissioners shall have power and authority to supply any corporation, municipal or otherwise, person

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or persons with water and gas, or either, although not being a resident within the said village of Parkdale, and may exercise all other powers necessary to the carrying out of their agreements with such corporations or persons, as well within the city of Toronto, the village of Yorkville, the village of Brockton, and the townships of York and Etobicoke, as within the said village of Parkdale, and they may, also, from time to time, make and carry out any agreement, which they may deem expedient for the supply of gas and water, or either, to any railway company or manufactory within the aforesaid limits: Provided that no power or authority shall be exercised under this clause without the consent and approbation of the council of the village of Parkdale. 44 V. c. 44, s. 37. 51 V. c. 54, s. 3.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or, in case there shall be a continuation of damages, then within one year after the original cause of action arising. 44 V. c. 44, s. 38.

39. For the purpose of constructing the said works or gas-works, or both, and purchasing all the machinery and materials connected therewith, and paying the interest on the debentures during the progress of the works, and expenses attendant thereon, and for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the village of Parkdale shall have power to issue debentures, none of which shall be for a less sum than one hundred dollars, for a sum of money not exceeding one hundred thousand dollars, (a) which debentures shall be made payable in thirty years, at farthest, from the date of the respective issues thereof, and shall bear interest at a rate not to exceed seven per centum per annum, such interest to be payable half-yearly, and such debentures shall be signed by the reeve and treasurer of said village for the time being, and the council of the said village, shall, after the completion of said works, and for the purpose of providing a sinking fund for the payment of said debentures and the interest thereon, levy annually, by a general assessment, in such manner as general rates are levied under the Municipal Act, such sum as may be necessary to pay the interest upon and provide a sinking fund for the payment of said debentures as the same shall fall due respectively: Provided, however, that, before the issue of such debentures, the council of the said village of Parkdale shall pass a by-law for that purpose, which shall, before the final passage thereof, be submitted to and receive the assent of the majority of the electors of the village of Parkdale, voting

(a) See 51 Vict. c. 54, ss. 4, 5 (Ont.), p. 311.

upon such by-law in the manner required by *The Municipal Act* and amending Acts, now passed or hereafter to be passed, for the submission of by-laws to the electors, and such by-law may be in the form contained in schedule "A" to this Act; such debentures, when issued, shall be deposited in some of the chartered banks having an office in the city of Toronto, and the proceeds thereof, when sold, shall be deposited in some chartered bank in the city of Toronto to the credit of a special and separate account, and the same shall be paid out only in pursuance of a resolution of the council of the village of Parkdale, and on the cheque of the reeve thereof for the time being, and the chairman for the time being of the board of said commissioners. 44 V. c. 44, s. 39.

Application
of revenues.

40. After the construction of the works all the revenues arising from or out of the supplying of water or gas, or from the real or personal property connected with the said water-works and gas-works, or either, to be acquired by the said commissioners under this Act, shall, after providing for the expenses attendant upon the maintenance of the said works, be paid over to, and deposited monthly with the treasurer of the said corporation of the village of Parkdale, as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly. 44 V. c. 44, s. 40.

Exemption
from taxa-
tion.

41. The lands, buildings, machinery, reservoir, pipes and all other real or personal property connected with or appertaining or belonging to the water-works or gas-works, or both, being within the village of Parkdale, shall be exempt from assessment and taxation. 44 V. c. 44, s. 41.

Officers to be
ex-officio offi-
cers of the
peace.

42. The watchman and other officers of the said commissioners, when in the discharge of their duty, shall be, *ex-officio*, possessed of all the powers and authorities of officers of the peace. 44 V. c. 44, s. 42.

Commission-
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43. There shall be three commissioners, of whom the reeve of the village of Parkdale, for the time being shall be *ex-officio* one, and two of whom shall be elected by the ratepayers of the said village, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the Council of the corporation of the village of Parkdale may by by-law, before their election, determine. 44 V. c. 44, s. 43.

Term of office.

44. The said commissioners shall hold office for the term of one year, and until their successors are appointed and elected, except the commissioners first elected, who shall hold office until the first Monday of January next follow-

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ing their election; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as for the election of the reeve of the said village, and all the provisions and remedies of *The Municipal Institutions Act* at any time in force with respect to reeves shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise, and each commissioner so elected or appointed shall, during the whole period of his appointment or term of office, be possessed in his own right, or in right of his wife, of a legal or equitable freehold, within the village of Parkdale, of the value of three thousand dollars, over and above all incumbrances, or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some justice of the peace in the county of York. 44 V. c. 44, s. 44. Qualification.

45. Whenever the by-law authorizing the construction of the said water-works and gas-works, or either, shall have been finally passed by the council, a meeting of the electors of the said village shall take place, for the nomination of two persons for the office of water and gas commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar to those in the case of the nomination for reeve; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in the said village at the places, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in like manner as an election for reeve; but the provisions of this section shall not prevent the first election of such commissioners from being held at the same time as the annual election of municipal councillors. 44 V. c. 44, s. 45. First election of commissioners.

46. A commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of commissioner during the term of his office, the council of the corporation of the village of Parkdale shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled. 44 V. c. 44, s. 46. Vacancies in office.

47. No commissioner or councilman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any hold contract No commissioner or councilman to hold contract

in connection with works. of them; no deputy-reeve or councilman shall be eligible for election or appointment as a commissioner, and no commissioner as councilman. 44 V. c. 44, s. 47.

Works may be constructed directly by corporation. 48. Notwithstanding the provisions of this Act authorizing the construction of the said water and gas-works through the agency of commissioners, the corporation of the village of Parkdale in the by-law authorizing the construction of said water-works and gas-works, or either, and referred to in the thirty-ninth section of this Act, may declare that the said water-works and gas-works, or either, shall not be constructed by or through the agency of commissioners, but instead thereof, that the said works shall be constructed directly by the said corporation of the village of Parkdale; and in case the said corporation shall so desire to construct the said works, then all the powers, rights, authorities, duties and liabilities by this Act, given to, granted or vested in or imposed on the said commissioners, shall be vested in the said corporation, and the council of the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act. 44 V. c. 44, s. 48.

Power to use electric or other light in lieu of gas. 49. In case the corporation of the village of Parkdale shall desire to substitute the electric or other light in lieu of gas, they shall have full power so to do, and all the rights and privileges of this Act, as relating to the building of gas-works and the distribution and sale of gas, and the right to collect the rate therefor, and all other rights and privileges in connection therewith, shall apply also to such electric or other light. 44 V. c. 44, s. 49.

Works may be constructed by a company or otherwise. 50. In case the corporation of the village of Parkdale shall not see fit to construct the said water-works or gas-works, or either, by or through the agency of commissioners or directly by the said corporation, the said corporation may, in the by-law referred to in the thirty-ninth section of this Act, declare it advisable to have the said works constructed either by a corporate company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient. 44 V. c. 44, s. 50.

Approval by electors of mode of construction necessary. 51. In case the corporation of the village of Parkdale shall desire to construct the said works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting on any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of

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qualified voters in the proposed by-law mentioned in the thirty-ninth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately. 44 V. c. 44, s. 51.

52. The council of the corporation of the village of Parkdale shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works or gas-works, or either, and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the village of Parkdale or upon the said council. 44 V. c. 44, s. 52.

Delegation of powers by corporation.

53. The corporation of the said village, in case the construction of the works be entrusted to commissioners, as hereinbefore provided, may, by by-law, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with the works, and, in such case, all the rights, powers, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners shall be vested in the said corporation, which shall also be vested with, and have all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act. 44 V. c. 44, s. 53.

Corporation may assume the construction of works.

54. Provided always, that none of the rights or powers given to or vested in the said commissioners by this Act shall be used or exercised by them within the city of Toronto, the village of Yorkville, or the village of Brockton, save to such extent and in such manner as the council of the said city or of either of the said villages, as the case may be, may with respect to its own municipality from time to time by by-law in that behalf permit and authorize, and always subject to and upon the terms, conditions and restrictions in any such by-law contained; and no such by-law shall be passed by any such council unless and until two weeks' previous notice of the intention to introduce such by-law shall have been first given at a meeting of such council. 44 V. c. 44, s. 54.

Powers not to be exercised in Toronto, etc., without special authority.

SCHEDULE "A."

(Section 39.)

A by-law to provide for the issue of water-works debentures to the amount of \$ under the authority of "An Act respecting water and gas-works at Parkdale."

Whereas, the said recited Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding dollars; and whereas a by-law authorizing the construction of water-works and gas-works (or either) for the village of Parkdale, by the authority of the said recited Act, has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of

Be it therefore enacted by the municipal council of the corporation of the village of Parkdale as follows:—

1. It shall be lawful for the corporation of the village of Parkdale to raise by way of loan from any person or body corporate who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of dollars, and to cause the same to be paid into the Bank of at the city of Toronto, to be kept and applied in the manner provided in section thirty-nine of the said Act.

2. The reeve may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars, or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said village, and signed by the reeve and treasurer thereof.

3. The said debentures shall be made payable in years at furthest, from the date of the respective issue thereof, either in sterling money of Great Britain, or currency of this Province, or Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council on the day in the year of our Lord one thousand eight hundred and eighty , and given under the corporate seal of the said municipality.

Clerk.

Reeve.

44 V. c. 44, Sched.

[Seal.]

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51 Vict. c. 54 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1888.]

* * * * *

4. The corporation of the town of Parkdale are hereby authorized and empowered, for the purposes mentioned in section 39 of the said Act [44 Victoria chapter 44], as by this Act amended to pass a by-law or by-laws, and to issue debentures at any one time, or from time to time to an amount not in whole exceeding the sum of \$50,000 in addition to the sum of \$100,000 in said section 39 mentioned, upon the terms and subject to all the provisions and conditions in said section 39 mentioned, such by-laws to be submitted to the electors as in said section mentioned. 51 V. c. 54, s. 4.

Power as to
issue of de-
bentures ex-
tended.

5. By-law number 432 of the corporation of the town of Parkdale for the issue of debentures to the amount of \$20,000, for the purposes in the next preceding section mentioned, is hereby confirmed. The said sum of \$20,000 shall be deemed and taken to be part of the sum of \$50,000 aforesaid. 51 V. c. 54, s. 5.

By-law 432
confirmed.

* * * * *

3. ANNEXATION TO THE CITY.

52 Vict., c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889.]

* * * * *

12.—(1) From and after the passing of this Act, the town of Parkdale (d) shall be annexed to the city of Toronto upon the terms set out in by-law No. 527 of the said town of Parkdale, save as herein otherwise provided, and shall, from and after the said date, cease to be a separate municipality and become a ward of the city of Toronto under the name of St. Alban's ward, and shall be entitled to be represented in the council of the city of Toronto by three aldermen, and on the public school board of said city by two school trustees.

Town of
Parkdale to
form St.
Alban's
ward.

(d) For boundaries of Parkdale. See pp. 30, 32.

(2) The aldermen for the ward of St. Alban for 1889 shall be the mayor, the reeve and the first deputy-reeve elected by and for the town of Parkdale for the said year. The two school trustees for the said ward shall be selected by ballot by and from the present school trustees of the town of Parkdale within one week after this Act takes effect, the first trustee so selected to hold office for the year 1889, and the second trustee so selected to hold office for the years 1889 and 1890; or in default thereof, the first election of school trustees for the said ward of St. Alban shall be held at such time and places, and by such returning officers as the corporation of the city of Toronto may by by-law appoint, and the persons entitled to vote at the election of such school trustees shall be such persons as would have been entitled to vote thereat had Parkdale continued to be a separate town, and had such elections been held therein on said date.

(3) The rate of municipal taxation in the said ward of St. Alban for the year 1889 shall be the same as in the remainder of the city of Toronto for that year, and shall be based upon the valuation of the property contained in the then last revised assessment roll for the town of Parkdale.

(4) From the first day of January, 1889, the corporation of the city of Toronto shall assume as part of the general city debt such portions of all assessments thereafter payable on account of the cost of local improvements or works (including street extensions) theretofore constructed, made or done in the town of Parkdale, or in course of construction on or since said date as would, if said works or improvements had been made or done on or since said date within and by the city of Toronto, have formed the city's share of the cost of such works or improvements; and the council of the corporation of the city of Toronto may from time to time pass by-laws to amend any existing local improvement by-law or debenture by-law of the town of Parkdale, or any schedule thereto or assessment thereunder, so far as may be necessary for the purposes aforesaid, and for the issue of "general consolidated loan and debentures" of the said city of Toronto to raise the money necessary for the purposes aforesaid.

(5) All property, both real and personal, of whatever nature and kind and wheresoever situate, and all deeds, books, papers, writings and other documents belonging to or under the control of, or in the possession of the council of the corporation of the town of Parkdale or of any officer, servant or agent of the said corporation are hereby declared to be, from the date of the passing of this Act, the property of the corporation of the city of Toronto, and shall be forthwith delivered to such persons and

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officials as the council of the corporation of the city of Toronto may appoint for that purpose.

(6) Save as herein otherwise provided, all existing liabilities, lawful debts and obligations of the town of Parkdale and also such portions of the liabilities, debts or other obligations of the county of York, as the said town of Parkdale would have to bear or sustain, if this Act had not been passed, including the proportion now payable under the special agreement between the corporation of the county of York and the corporation of the city of Toronto, providing for the administration of justice and the maintenance of the Courts, are hereby declared from the date of the passing of this Act to be the liabilities, debts and obligations of the corporation of the city of Toronto, including the said ward of St. Alban, and shall be met, discharged, observed and kept by the corporation of the city of Toronto, according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of the city of Toronto.

(7) Save as herein otherwise provided, nothing in this Act contained shall exempt any part of the land so added to the city of Toronto aforesaid from any special rate or assessment imposed thereon or on any part thereof by any by-law heretofore passed by the council of the said town of Parkdale.

(8) Save as herein otherwise provided, all existing liabilities, debts and obligations of any person to the corporation of the town of Parkdale shall enure to the benefit of the corporation of the city of Toronto, and shall be read and construed in every respect as if the said corporation had been originally a party thereto in lieu of the town of Parkdale, and all sureties for the several officials of the town of Parkdale shall be and remain liable as if they had become sureties for such officials to the city of Toronto in the first instance, and all bonds and sureties which shall have been given to the said town of Parkdale at any time before this Act comes into force shall enure to the benefit of the corporation of the city of Toronto, and the said corporation shall have all the rights and remedies thereto and thereunder, and shall be entitled to recover thereon to the same extent and under the like circumstances as the said town of Parkdale could have done had it remained a separate municipality.

(9) The last revised assessment rolls for the town of Parkdale, at the time this Act takes effect, shall be for all purposes the last revised assessment rolls for the ward of St. Alban, until the final revision and correction of a new assessment roll for the said ward; and all persons who would have been entitled to vote in the town of Parkdale on by-laws requiring the assent of the electors shall be entitled to vote on such by-laws in the city of Toronto.

(10) The votes of the electors of the ward of St. Alban entitled to vote as herein provided on the by-law for \$577,587, which is to be voted on by the qualified rate-payers of the city of Toronto on the 9th day of April (next), shall be taken at the town of Parkdale, on the said 9th day of April, by such person as the council of the corporation of the city of Toronto may by a by-law appoint; and the publication of the said by-law and the notice thereto attached in the Toronto "Empire" shall be a sufficient compliance with the requirements of section 293 of *The Municipal Act*. 52 V. c. 73, s. 12.

* * * * *

Licenses in
St. Alban's
ward.

16. In addition to the number of tavern licenses now authorized in and for the city of Toronto, the license commissioners for the said city may for the year 1889-1890 grant licenses to as many taverns in that part of the said city heretofore forming the town of Parkdale, as are at present authorized in and for the said town of Parkdale. 52 V. c. 73, s. 16.

* * * * *

Certain acts
of council
of Parkdale
not binding
unless ratified
by council of
Toronto.

19. No act, deed, resolution or by-law of the corporation of the town of Parkdale, or of the council thereof, made, done or passed since the 7th day of March, 1889, whereby any new liability was imposed upon the said corporation, or whereby any money of the said corporation became or was made payable to any person, shall have any force, validity or effect after the passing of this Act, unless or until it shall have been ratified by resolution of the council of the corporation of the city of Toronto. * * *

52 V. c. 73, s. 19. *Part.*

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PARKS, GARDENS AND DRIVES.

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1. GENERALLY.**R. S. O. (1887) c. 190.**

An Act to provide for the Establishment and Maintenance of Public Parks in Cities and Towns.

* * * * *

13.—(1) The board [of park management] shall have power and authority to select and acquire by purchase or otherwise or to lease the lands, rights and privileges needful for park purposes.

(2) The lands purchased by the board together with those assumed by them as and for park purposes at the time of the adoption of this Act, shall not together exceed in the case of cities having a population of one hundred thousand inhabitants and over, 2,000 acres, and in other cities or in counties 1,000 acres, and in the case of towns, villages or townships 500 acres; but lands in excess of these quantities may be taken by devise or gift. R. S. O. c. 190, s. 13 (1, 2); 54 V. c. 44, s. 7.

* * * * *

2. QUEEN'S PARK.

(a) Leases and Agreements with City.

22 Vict. c. 110 (C. S. U. C. c. 32.)

An Act to authorize the Senate of the University of Toronto to appropriate certain Lands for the purposes of a Park, and to include the same within the limits of the City of Toronto, and to extend the Police Regulations of the said City to the University Lands adjacent thereto.

[Assented to 16th August, 1958.]

Preamble.

WHEREAS, the chancellor, vice-chancellor and members of the senate of the University of Toronto, deem it expedient, with a view to the interests of the said University, to set apart a certain portion of the lands now vested in Her Majesty on behalf of the said University, for the purposes of a park; And whereas the mayor, aldermen, and commonalty of the city of Toronto, have offered to put in order the said park, take charge thereof and keep the same in order in consideration that the same may be appropriated as a public park, to which the public generally shall have free access; And whereas, it is for the interests of the said University that such offer should be accepted, and that such appropriation should be sanctioned by legislative enactment; And whereas, it is expedient that such park should form part of the said city of Toronto, and that the other lands vested in Her Majesty as aforesaid, adjacent to the city of Toronto, should be subject to the police regulations of the said city;

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

University may lease to city, not exceeding 50 acres of land, adjacent to the city for a Park.

1. The bursar of the University of Toronto, may demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the (a) [mayor, aldermen and commonalty] of the city of Toronto, (b) for the purposes of a park, as well for the use of the professors, students, and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said city, as the said chancellor, vice-chancellor, and members of the senate of the said University may, by by-law approved of by the Governor-in-Council,

(a) C. S. U. C. c. 62, s. 66, reads "corporation."

(b) In C. S. U. C. c. 62, s. 66, the words "in trust" are inserted.

set apart for such purposes, not exceeding in the whole fifty acres, in trust for the said purposes (c) and upon such terms and conditions as (d) may have been heretofore, or may hereafter be agreed upon between them. 22 V. c. 110, s. 1. C. S. U. C. c. 62, s. 66.

2. So long as the said lease shall remain in force, the land so demised, shall be deemed to be, and shall be taken to form a part of the said city of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said city of Toronto, and to all by-laws of the said city in that behalf. 22 V. c. 110, s. 2; C. S. U. C. c. 62, s. 67; 50 V. c. 44, s. 27; R. S. O. (1887) c. 231, s. 27.

Land so leased to be part of the city, and residue of the University lands adjacent to be subject to its police regulations and by-laws.

R. S. O. (1887) c. 231.

An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.

* * * * *

27. Whereas the bursar of the University of Toronto was by section 66 of chapter 62 of the Consolidated Statutes for Upper Canada authorized to demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the corporation of the city of Toronto, in trust for the purposes of a park, as well for the use of the professors, students and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said city, as the said chancellor, vice-chancellor and members of the senate of the said University might, by by-law approved of by the Governor-in-Council, set apart for such purposes, not exceeding in the whole fifty acres, and upon such terms and conditions as had been or might after the said Act took effect, be agreed upon between the said University

Lease to city of Toronto of land for a park.

(c) C. S. U. C. c. 62, s. 66, omits the words "in trust for the said purposes."

(d) C. S. U. C. c. 62, s. 66, reads "have been or may after this Act takes effect be agreed upon between the said University and the council of the said corporation."

Lands so leased, to be part of the city, and residue of the University lands adjacent to be subject to its police regulations and by-laws.

and the council of the said corporation; and, whereas in pursuance of such powers, the said bursar made such lease as aforesaid :—Therefore it is enacted that, so long as the said lease remains in force, the land so demised, shall be deemed to be and shall be taken to form a part of the said city of Toronto; (e) and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said city of Toronto, and to all by-laws of the said city in that behalf. 50 V. c. 44, s. 27.

* * * * *

52 Vict. c. 53 (Ont.)

An Act validating a certain Agreement between the University of Toronto and the Corporation of the City of Toronto.

[Assented to 23rd March, 1889.]

Preamble.

WHEREAS certain matters in dispute arising out of the lease dated first January, 1859, between David Buchan, the then bursar of the University and Colleges of Toronto, and the corporation of the city of Toronto, have been arranged upon the terms and in the manner fully set out in the agreement hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement confirmed.

1. Subject to the other provisions of this Act, the agreement dated the second day of March, A.D. 1889, purporting to be made between Her Majesty the Queen, represented for the purposes of the said agreement by John Edward Berkeley Smith, the bursar of the University and Colleges at Toronto, in his official character as such, of the first part, and the corporation of the city of Toronto, of the second part, and set forth in the schedule hereto, is hereby confirmed; and the corporation of the city of Toronto is declared to have, and to have had, all the powers necessary to enable it to make the said agreement and to carry out the provisions thereof. 52 V. c. 53, s. 1.

Right of access to avenues by owners of adjacent property not affected.

2. Notwithstanding the dedication of the avenues in the said agreement referred to, the owners of property adjacent to the said avenues are not by reason of the said dedication or of this Act to acquire any right of ingress or

(c) See 9 V. c. 70, s. 1, p. 15. See also 22 V. c. 110, s. 2, p. 317.

egress to or from the said avenues from and to their said adjacent properties other than such adjacent property owners may have possessed before the said agreement was made or this Act passed. 52 V. c. 53, s. 2.

3. A right of action for the recovery of such sum as may be awarded under the provisions of the said agreement for the right or privilege of ingress and egress to and from the said avenues from and to the property adjacent or adjoining thereto may be maintained on behalf of Her Majesty, upon the information of the proper officer in that behalf representing Her against the owners for the time being of all such adjacent properties who have not already acquired, or do not hereafter acquire, by grant or license from Her Majesty the right or privilege of ingress and egress aforesaid to and from their said properties, and who, nevertheless, after notice forbidding the exercise of such right or privilege of ingress and egress, continue to use and enjoy the same; and the right of action hereby given is in addition to, and not in substitution for, all or any other remedies whereby the owners of such adjacent properties who have not acquired such right of ingress and egress may be prevented from using or enjoying the same. 52 V. c. 53, s. 3.

4. Every provision in this Act contained, and all matters, terms, and stipulations of or in the said agreement set forth, are subject to all the provisions contained in the Act passed in the forty-third year of Her Majesty's reign, chaptered 2, and intituled "*An Act to provide for the erection of new buildings for the accommodation of the Provincial Legislature and the Public Departments*," (f) and all the provisions of said last mentioned Act as amended by subsequent Acts are to all intents, and for all purposes, to be taken and considered as being and continuing in full force and effect, notwithstanding anything contained in this Act or in the said agreement. 52 V. c. 53, s. 4.

5. Upon the Toronto Athletic Club (Limited) acquiring by payment to Her Majesty or her successors for the purposes of the University of Toronto, of such sum as may be agreed upon by and between the said club and the bursar of the University and Colleges aforesaid, under the provisions of paragraph two in the said agreement referred to, for the right of ingress and egress to and from the said avenues and approaches in said agreement referred to, from and to the lands and premises of the said Toronto Athletic Club (Limited), which are more fully set forth and described in a certain conveyance of the same from the Honourable John Beverley Robinson to the said club, bearing date on or about the 1st July, 1891, and registered in

(f) See page 326.

the registry office for the eastern division of the said city of Toronto, as number 2922s, the said the Toronto Athletic Club (Limited), their successors and assigns, shall have the right to use the avenues and approaches aforesaid as public highways for all purposes of ingress and egress to and from the said lands and premises, freed and discharged from the conditions set forth in paragraph two of the said agreement." 56 V. c. 85, s. 10.

SCHEDULE.

THIS INDENTURE made in duplicate the second day of March, A.D. 1889, between Her Majesty the Queen, represented for the purposes of this agreement by John Edward Berkeley Smith, the bursar of the University and Colleges at Toronto, (in his official character as such) of the first part, and the corporation of the city of Toronto, of the second part.

Whereas, by an Indenture of lease dated on or about the 1st day of January, A.D., 1859, and made between David Buchan, of the city of Toronto, Esquire, the then bursar of the University and Colleges, at Toronto, of the first part, and the corporation of the city of Toronto, of the second part, certain lands situate in the said city of Toronto, therein particularly described and since known as the "Queen's Park" with the avenues forming the main approaches thereto, were in pursuance of the powers and authorities therein fully recited, demised to the said city of Toronto for the term of nine hundred and ninety-nine years from the said date, at the yearly rent of five shillings of lawful money of Canada, payable on the first day of January in each and every year, if demanded, subject to the covenants and conditions therein contained.

And Whereas by an Indenture of agreement dated on or about the 2nd day of May, A.D. 1877, made between the said David Buchan, the then bursar of the University and Colleges at Toronto, of the first part, and the corporation of the city of Toronto, of the second part, it was agreed that the location of a certain road on the west side of a proposed botanic garden should be changed, as in the said agreement set forth.

And Whereas, by an Indenture of agreement dated on or about the 19th day of July, A.D. 1883, between Her Majesty the Queen represented for the purposes thereof by John Edward Berkeley Smith, the then and present bursar of the University and Colleges at Toronto, of the first part, and the corporation of the city of Toronto, of the second part, it was amongst other things agreed that the avenue

known and described in the said recited lease as the Cross avenue from Yonge street, should be made available for street railway purposes on the terms and subject to the performance of the conditions therein set forth.

And Whereas, on or about the 18th day of February, A.D. 1886, an action was commenced in the Queen's Bench Division of the High Court of Justice by Her Majesty's Attorney-General for the Province of Ontario, on the relation of the said John Edward Berkeley Smith, bursar of the University and colleges aforesaid, informant, against the corporation of the city of Toronto, to have the hereinbefore recited lease, as varied by the hereinbefore recited agreements, forfeited and avoided, and to have the same delivered up to be cancelled, on the ground that the said city had not complied with the covenants and conditions therein contained.

And Whereas such proceedings were had and taken in the said action that on or about the 31st day of January, A.D. 1888, judgment was pronounced by the said court in the said action whereby the said lease, varied as aforesaid, was declared to be forfeited and avoided, and was ordered to be delivered up to be cancelled, and the said corporation was ordered to pay the costs of the said action.

And Whereas the corporation of the city of Toronto subsequently made a certain application to the Court to set aside and vacate the said judgment and to be allowed to file a defence to the said action, and pending the determination of the said application, negotiations have taken place between the parties hereto, which have resulted in the agreement hereinafter set forth.

Now, therefore, this Indenture witnesseth that the parties hereto, for and in consideration of the matters herein set forth, agree that the judgment aforesaid, obtained on or about the 31st day of January, A.D. 1888, in the action and information hereinbefore referred to, shall be vacated by the said High Court of Justice, and the said action in which the said judgment was obtained, shall be dismissed by the informant therein, the said corporation of the city of Toronto paying the costs of the said informant incurred in the said action upon taxation thereof: and the said parties do hereby mutually acquit, release and discharge each other of and from all claims and demands, actions, and causes of action in respect of any breach of any covenant, proviso or condition in the said recited lease of the 1st day of January, A.D. 1859, and in respect of the said agreements modifying the same, and in respect of the property in and by the said lease demised, and all breaches of the said lease and agreement heretofore committed by the said corporation are hereby waived by Her Majesty.

And this agreement further witnesseth :

1. That Her Majesty, represented as aforesaid, in consideration of the covenants and agreements by the parties of the second part hereinafter contained, doth hereby consent to and confirm all existing street openings into the said Queen's Park and avenues, as shewn on the plan hereto annexed, said openings being as follows :

The North avenue leading from Bloor street to the Park; University street throughout its entire length; Avenue street throughout its entire length; Teraulay street, full width of street; Mission street, full width of street; Elizabeth street, full width of street; McCaul street, full width of street; Henry street, full width of street; Caer Howell street, full width of street; Grosvenor street, full width of street; St. Alban's street, full width of street; St. Joseph street, full width of street; Czar street, full width of street; Anderson street, footpath, six feet wide; Orde street, footpath, six feet wide; Queen's Park drive, footpath, six feet wide in the direction to be hereafter determined by the board of trustees of the University.

And all such existing street openings shall from and after this agreement be confirmed and established, as if in pursuance of the said lease of January 1st, 1859, the same had been agreed upon between the senate of the said University and the said corporation.

2. That the Cross avenue from Yonge street, hereinbefore and in the recited lease and agreement referred to, and the avenue from Queen street, and the other approaches to the said park are (subject to the conditions hereinafter set forth) to be, and are hereby dedicated by Her Majesty to the public, and all restrictions as to traffic thereon (excepting in so far as the city may choose to restrain and regulate the same) are hereby removed, but this dedication of the said avenues and approaches for the purposes of traffic, as aforesaid, is not to affect the right of Her Majesty, represented as aforesaid, to prevent the owners of properties adjacent to the said avenues and approaches, who had not, at the date of this agreement, the right of ingress and egress to and from their said properties, from and to the said avenues and approaches, or any of them, or any other person or persons who had not at the said date such right of ingress and egress as aforesaid, from exercising such right, unless and until the same shall have been acquired by payment to Her Majesty or Her successors, for the purposes of the University of Toronto, of such sum as may be agreed upon by and between such persons and the bursar of the University and Colleges aforesaid; and the said bursar for and on behalf of Her Majesty, shall grant such right to any owner of

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property adjacent to the said avenues and approaches, who has not heretofore been entitled to the same, at such price as may be agreed upon by and between such bursar and such adjacent property owner, and in the event of the said bursar being unable to agree with any such adjacent property owners as to the amount to be paid by any of the said property owners for such right or privilege, the amount so to be paid is to be settled by arbitration in manner then provided for as to arbitrations under the Municipal Acts of this province then in force. (g)

Provided always that such right is to be acquired only upon condition that no such adjacent property owner shall erect or maintain upon his said property fronting on said avenues or approaches aforesaid, any building to be used as a shop, warehouse, factory, hotel, saloon, house of public entertainment, lodging or boarding house, billiard or pool room, bowling alley, or for any purpose that would in law be deemed a nuisance.

And in the event of any such adjacent property owner declining to pay for such right of access as aforesaid, the right of Her Majesty under the said lease of 1st January, A. D. 1859, to have fences maintained separating the said avenues and approaches from the said properties is to be unaffected by this agreement, and is to be in the same position as if the hereinbefore recited lease were not varied by this agreement; except that Her Majesty will not call upon or require the said corporation to erect or maintain any such fence, but will at the cost, charge and expense of the said University of Toronto, cause the same to be erected and maintained; and Her Majesty is to have all the rights of the said corporation as to the erection and maintenance of such fences as the said rights existed under the said lease of the 1st of January, A.D. 1859.

3. And whenever and so soon as any property in and about the said Queen's Park, or upon any of the avenues or approaches thereto, now vested in the Crown in trust for the University of Toronto, is leased, sold or otherwise disposed of, the estate or interest therein of the lessee or purchaser or occupant thereof, shall become liable to assessment for local improvement, in like manner and to the same extent as any other assessable real estate; but this provision is not to make the estate of the Crown in such lands liable in any way to assessment, and until so leased, sold, or otherwise disposed of, the interest of the Crown therein shall not be (as hitherto it has not been) taxable for such improvements.

4. And Her Majesty, represented as aforesaid, dedicates to the city for all time to come, the following lands:—All and singular that certain parcel or tract of land and pre-

(g) As to Toronto Athletic Club see 52 V. c. 53, s. 5 (Ont.), p. 319.

mises, being a strip of land sixty-six feet in width, composed of part of park lot number thirteen, in the city of Toronto, described as follows: commencing at a point on the division line between park lots Nos. 13 and 14, where it is intersected by a line drawn on a course of north seventy-four degrees east through a point on the east limit of St. George street, distant 270 feet measured southerly thereon from the southerly limit of the Queen's Park drive, as described in by-law No. 1924 of the city of Toronto, said last mentioned point being also distant 754 feet 6 inches measured northerly along said limit from the intersection of the production easterly of the north limit of Willcock street; thence from the point of commencement, north seventy-four degrees east to the intersection of the westerly limit of the westerly drive in the Queen's Park; thence southerly along said limit to the intersection of a line drawn parallel with the firstly described course and distant sixty-six feet measured southerly therefrom, and at right angles thereto; thence south seventy-four degrees west along said line to the intersection of the division line between park lots Nos. 13 and 14; thence north sixteen degrees west along said division line sixty-six feet to the place of beginning, together with the triangular block of land marked A and B on plan attached hereto, required for the rounding off of the curves at the easterly termination of the above described strip for a public street or drive, said lands being shown on the plan hereto annexed.

5. That the said hereinbefore recited lease of the 1st day of January, A.D. 1859, as modified by the hereinbefore recited agreements, and by this agreement, shall be and remain in full force and effect according to the terms, provisos and conditions thereof.

6. And this agreement further witnesseth that in consideration of the matters herein set forth, the said parties of the second part do hereby covenant, promise and agree with Her Majesty and Her successors, represented as aforesaid, that they will, upon the opening of the said public street or drive hereinbefore particularly described and shewn on the plan hereto annexed, erect an iron fence at a cost not to exceed the sum of \$650, along the south side of the said public street or drive, such fence to be of a similar character to the fence now surrounding the Queen's Park.

7. And this agreement further witnesseth that in consideration of the matters herein set forth, the said parties of the second part do hereby covenant, promise and agree with Her Majesty (represented as aforesaid) and Her successors, to endow and maintain during the residue of the term of the hereinbefore recited lease of the first day of January, A.D. 1859, two chairs in the University of Toronto, at an annual cost of \$3,000 for each chair, and

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that they will pay the said two sums of \$3,000 each in four quarterly payments in each year to the bursar of the University and Colleges, or to such other officer as may be entitled to receive the same on behalf of the said University, the first quarterly payment or sum of \$1,500 to be paid on the first day of July, A. D. 1889.

8. And it is hereby provided that so long as Her Majesty and Her successors, acting by and through the executive council of the Province of Ontario, expends \$6,000 per annum (in addition to the sum now annually expended therefor) in salaries of professors, demonstrators and other instructors for the teaching in the School of Practical Science at Toronto, of full courses in applied mechanics and applied chemistry, the two chairs to be so endowed and maintained by the parties of the second part in the University of Toronto shall be:

- (1) A chair of English literature and language, and
- (2) A chair of mineralogy and geology,

Or such other chairs in lieu thereof as the city council and the senate of the said University may from time to time agree upon.

And should Her Majesty, acting as aforesaid by and through the Executive Council for the Province of Ontario, at any time after the expiration of two years from the date of this agreement, fail to expend the said sum of \$6,000 per year as aforesaid (in addition to the sum heretofore annually expended in the manner aforesaid) the right of the parties of the second part to re-select the two chairs in the University of Toronto, which they are (under the provisions of this agreement) to endow and maintain, shall revive as it existed at the date of the memorandum of agreement made between Her Majesty the Queen (as trustee for the University of Toronto and University College) and the corporation of the city of Toronto, dated November 27th, 1888; and the said chairs hereby agreed to be endowed and maintained shall, in the event of the right of re-selection arising as aforesaid, be in addition to or instead of any chairs at present or at the time of such re-selection existing in the said University.

9. And this agreement further witnesseth, and it is hereby mutually agreed by and between the parties hereto,

(1) That if at any time hereafter any dispute should arise as to any matters arising out of the said lease or the agreements varying the same, including this agreement, the same shall be settled by arbitration in the manner then provided for as to arbitrations under the Municipal Acts of this Province then in force.

(2) That in the event of the said University at any time hereafter assuming possession of the piece of land in and

by the said hereinbefore recited lease reserved for a botanic garden, the said garden shall at all times be free and open to the public.

(3) That the parties of the second part are to have full power to restrain and regulate traffic in the said Queen's Park and avenues and approaches aforesaid.

In witness whereof the said parties hereto have hereunto set their hands and seals as follows, that is to say:—
The said John Edward Berkeley Smith, bursar as aforesaid, has hereunto set his hand and affixed the seal of his office, and the said city of Toronto has affixed the corporate seal of the said corporation and the hand of the mayor thereof, the day and year first above written.

Signed, sealed, and delivered in the presence of	{	(Sd.) J. E. BERKELEY SMITH, <i>Bursar.</i>
(Sd.) F. A. MOURE, As to J. E. Berkeley Smith.		[Seal of University of Toronto.]
(Sd.) CHAS. PENDRICH, As to E. F. Clarke, and R. T. Coady.		(Sd.) E. F. CLARKE, <i>Mayor.</i>
		(Sd.) R. T. COADY, <i>Treasurer.</i>
		[Seal of city of Toronto.] 52 V. c. 53, Sched.

(b) Parliament Buildings.

43 Vict. c. 2 (Ont.)

An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and the Public Departments.

[Assented to 5th March, 1880.]

* * * * *

Appropriation
for
buildings.

1. A sum not exceeding five hundred thousand dollars is hereby appropriated and set apart from and out of the surplus moneys forming part of the consolidated revenue fund of this Province, for the purpose of erecting new buildings with requisite appurtenances for the accommodation of the Legislature and the several departments of the public service, on such portion of the ground in the said city forming part of the Queen's Park and

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lying to the north of the College avenue, as may be found requisite and suitable for said new buildings, and such portion of the said ground as shall by the Lieutenant-Governor in Council be deemed requisite for the purposes aforesaid shall be set off and ascertained by the commissioner of public works for Ontario, and the same shall thereupon become and be vested in the Crown, for the public uses of the Province, freed and discharged from any and all trusts or charges whatsoever (h). 43 V. c. 2, s. 1.

* * * * *

6. The agreement in the schedule to this Act set forth Agreement is hereby legalized and confirmed and declared to be in Schedule valid and binding upon and against the corporation of confirmed. the city of Toronto and the inhabitants of the said city. 43 V. c. 2, s. 6.

SCHEDULE.

(Section 6.)

This agreement made between the corporation of the city of Toronto of the first part.

Her Majesty the Queen of the second part.

The Honourable Christopher Finlay Fraser, commissioner of public works of the Province of Ontario, of the third part, this eighteenth day of February, A. D. 1880.

Whereas the bursar of the University and Colleges of Toronto heretofore leased at a nominal rent, to the said corporation of the city of Toronto, to be used as a public park, that certain portion of the University property at the head of the College avenue in the said city, known as the Queen's Park;

And whereas the Government of Ontario having had under consideration the question of providing further accommodation for the meetings of the Legislature, and for the use of the departments of the Government, the council

(h) In 1853 by 16 Vict. c. 161, the Legislature appropriated £50,000 (in addition to a sum of £10,000 already appropriated for a new government house) "for the purpose of erecting a government house, a parliament house and buildings for the accommodation of the several public departments, with the requisite appurtenances on such portion of the ground of the said city of Toronto, forming part of the University Endowment, and lying at the head of the College avenue, and not required for collegiate purposes, as may be found requisite for such buildings and the proper appurtenances thereto; and that such portion of the said ground as shall by the Governor-in-Council be deemed requisite for the purposes aforesaid, shall be set off by the commissioners of public works, and shall be vested in the Crown for the public uses of the Province." Sec. 1.

of the said corporation, with a view of facilitating a decision of the question, did pass a resolution intimating its consent to the occupation by the Government of so much of the Queen's Park as might be required for the aforesaid purpose;

And whereas it is desirable in a more formal and full manner to signify such consent, therefore it is by these presents witnessed that the said corporation do hereby agree with the said commissioner of public works to release, and do hereby release to Her Majesty all the interest of the said corporation in that portion of the Queen's Park which may be selected by the Government of Ontario as a site for the erection of new legislative and departmental buildings.

And the said corporation do hereby agree to consent and do hereby consent to such measures or Acts being passed by the Legislature of Ontario as by the Attorney-General of Ontario may be deemed necessary or expedient to be passed in order to vest in Her Majesty, freed and discharged from any trust or charge whatever in favour of the said corporation or of the citizens of Toronto, or any other person or body, that portion of the said park which may be selected by the Government of Ontario as a site for the said proposed buildings.

And the said corporation do hereby further agree to execute such instruments, and do all other Acts and things which may by counsel be advised as requisite for the more effectually releasing the interest of the city in the said lands, and of otherwise fully carrying out the objects of these presents.

In witness whereof the corporate seal of the said corporation of the city of Toronto, and the signature of the mayor have been hereto affixed.

JAMES BEATY, Junr.,
Mayor.



SAML. B. HARMAN,
Treasurer, and Keeper of City Seal.

43 V. c. 2, Sched.

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57 Vlot. c. 12 (Ont.)

An Act respecting the site of the new Legislative and Departmental Buildings.

[Assented to 5th May, 1894]

WHEREAS the Act passed in the forty-third year of *Preamble.*
 the reign of Her Majesty, chaptered 2, and intituled
An Act to provide for the erection of new Buildings for
the accommodation of the Provincial Legislature and the
Public Departments authorized the erection of new build-
 ings with requisite appurtenances for the accommodation
 of the Legislature and the several departments of the
 public service on such portion of the ground in the city of
 Toronto forming part of the Queen's Park and lying to the
 north of the College avenue as might be found requisite
 and suitable for said new buildings; and the said Act also
 enacted and provided that such portion of the said ground
 as should by the Lieutenant-Governor in Council be
 deemed requisite for the purposes aforesaid, should be set
 off and ascertained by the commissioner of public works
 for Ontario, and the same should thereupon become and
 be vested in the Crown for the public uses of the Province,
 freed and discharged from any and all trusts whatsoever;
 and whereas the said buildings are now completed; and
 whereas by Order in Council, approved the fifteenth day
 of March, 1894, so much of the said ground forming part
 of the said Queen's Park as is in the first section of this
 Act set forth and particularly described by metes and
 bounds, has, by the Lieutenant-Governor in Council, under
 and pursuant to the said Act, and the agreement set forth
 in the schedule thereto, been deemed and determined and
 been selected, designated and declared to be requisite and
 suitable for the purposes aforesaid and for the necessary,
 convenient and proper site of the said buildings, and the
 same has been set off and ascertained by the commissioner
 of public works for Ontario; and whereas it is expedient
 to declare and enact that the said site of the said build-
 ings has become and is now absolutely vested in the Crown
 for the public uses of the Province, freed and discharged
 from any and all trusts whatsoever;

Therefore Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:—

1. So much of the ground forming part of the said Site of Pro-
 Queen's Park in the city of Toronto as is butted and vincial build-
 bounded or may be otherwise known and described as ings and
 follows, that is to say:—Commencing at a point sixty-six grounds adja-
 feet westerly from the stone monument planted at the cent vested in
 north-west angle of lot number thirty-three as shown on the Crown.

the plans of the sub-division of park lots numbers eleven, twelve and thirteen in the city of Toronto, the property of the University of Toronto, and registered in the registry office of the city of Toronto as plans No. D 18 and No. D 178, the aforesaid sixty-six feet to be measured at right angles to the westerly limit of said lot number thirty-three; thence south sixteen degrees east magnetic (original patent bearing) parallel to the westerly limit of lots thirty-three, thirty-two, thirty-one, thirty, twenty-nine and twenty-eight, as shown on the aforesaid plan No. D 18, six hundred and forty-eight feet and eight inches; thence south seventy-four degrees and twenty-eight minutes west parallel to the southerly limit of the said lot number twenty-eight six hundred and twelve feet and five inches to the easterly side of that certain drive or roadway lying and situate on the westerly side of said Queen's Park, and sometimes called the west or city drive; thence northerly along the east side of the said west or city drive and following its curves and bends as follows: north two degrees and twenty-eight minutes east sixty feet, north five degrees and twenty-six minutes west seventy-eight feet, north thirty-eight degrees and four minutes west one hundred and eighteen feet, north thirty-six degrees and eleven minutes west sixty feet and one inch, north thirty degrees and forty-eight minutes west one hundred and seventy-nine feet and nine inches, north ten degrees and eight minutes west forty-seven feet and one inch, north twenty degrees and eighteen minutes east forty-four feet and one inch, north forty-one degrees and twenty-four minutes east thirty-seven feet and five inches, north forty-four degrees and five minutes east fifty feet and six inches, and north twenty-six degrees and nineteen minutes east fifty-eight feet three inches, more or less, to the intersection of the east side of the said west or city drive with a line drawn westerly from the place of beginning at right angles from the westerly limit of the aforesaid lot number thirty-three, and thence north seventy-four degrees east five hundred and forty-five feet, more or less, to the place of beginning, containing by admeasurement nine acres and thirty-six one-hundredths of an acre, is hereby declared and determined to be requisite and suitable for the purposes mentioned in the preamble to this Act, and is hereby selected, designated and declared to be a necessary, convenient and proper site for the said new buildings, and the said ground and site are hereby absolutely vested in the Crown for the public uses of the Province, freed and discharged from any and all trusts whatsoever. 57 V. c. 12, s. 1.

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3. HORTICULTURAL GARDENS.

50 Vict. c. 71 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

* * * * *

1. The council of the corporation of the city of Toronto may pass by-laws for the following amongst other purposes notwithstanding any thing in *The Consolidated Municipal Act, 1883*, or any amending Act or in any special or private Act relating to the said city of Toronto, contained to the contrary.

* * * * *

3. For authorizing, in so far as the city has any interest therein, the Horticultural Society of Toronto (i) to create a debt, and to borrow money by the issue and sale of debentures or upon mortgage of the lands and premises occupied by the society to an amount not exceeding in all the sum of \$90,000 for the purpose of paying off existing mortgages, debts and liabilities, and improving their property by the erection of a new pavilion or the enlargement and improvement of their present buildings and otherwise. 50 V. c. 71, s. 1 (3).

* * * * *

4. RIVERDALE PARK.

39 Vict., c. 66 (Ont.)

An Act to authorize the sale of certain lands by the Trustees of the Toronto General Burying Grounds to the City of Toronto.

[Assented to 10th February, 1876.]

WHEREAS the lands hereinafter described are vested in the trustees of the Toronto General Burying Grounds and are by the said corporation held subject to and for the carrying out of certain trusts in and by the Act of incorporation and other Acts relating to the said the trustees of

(i) See 20 Vict., c. 181; 22 Vict., c. 126.

the Toronto General Burying Grounds, declared and set forth respecting the same; And whereas, upon the said the trustees of the Toronto General Burying Grounds, proceeding to use the said lands for the burial of the dead, being the sole purpose for which the said lands are held by them, objection thereto was taken by the municipal council of the corporation of the city of Toronto, by reason of the fact that since the said lands had been acquired by the trustees of the Toronto General Burying Grounds for the purposes aforesaid, that portion of the said city of Toronto in which the said lands are situate having become filled with a large and still increasing population, great injury was feared to the health and comfort of those residing in the said vicinity from the use of the said lands for the interment of the dead; And whereas, but few lots have been sold for burial purposes and few interments have been made in the said lands, and the said lots have, for the most part, been reconveyed to the said the trustees of the Toronto General Burying Grounds and the bodies of those already interred therein have, with the consent of all parties, been removed with the exception of three, in regard to the removal of which, negotiations are now pending; And whereas, the said the trustees of the Toronto General Burying Grounds having acquired a large parcel of land at a much greater distance from the densely populated portions of the said city of Toronto, which said parcel of land is held by them subject to the same trusts and for the same purposes as the lands hereinafter described, are willing, subject to such terms as are or may be agreed upon, to sell and convey to the said municipal council of the corporation of the city of Toronto the lands hereinafter described and hereby empowered to be sold and conveyed; And whereas, the said municipal council of the corporation of the city of Toronto, and the said the trustees of the Toronto General Burying Grounds have by their petition set forth the advantages to be derived by the inhabitants of the north-eastern portion of the said city of Toronto from the establishment of a public park in that portion of the said city, and prayed that an Act may be passed authorizing the sale and conveyance of the said lands to the said the municipal council of the corporation of the city of Toronto for the purpose of forming part of an eastern public park in the said city of Toronto; And whereas in consideration of the benefits to be derived from the establishment of such a park as aforesaid, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to the trustees of

1. The said corporation, the trustees of the Toronto General Burying Grounds, shall have power to sell and

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convey to the municipal council of the corporation of the the Toronto city of Toronto, free and discharged from the trusts upon which the same are by then held, that portion of the lands in the said city of Toronto now vested in the said the trustees of the Toronto General Burying Grounds and known as the Toronto Necropolis, lying south of Winchester street in the said city of Toronto and bounded on the east by the river Don, on the south by Carleton street, on the west by Sumach street and on the north by Winchester street aforesaid, which may be more particularly described as follows, that is to say: Being all and singular that certain piece or parcel of land being part of lots numbers fifteen and sixteen in the first concession from the Bay, in the township of York, in the county of York, and which is butted and bounded as follows: Commencing where a stake has been planted at the intersection of the east side of Sumach street and the north side of Carleton street, formerly Elm street; thence north sixteen degrees west seven chains to the intersection of the east side of Sumach street with the south side of the Don Mills road, now called Winchester street; thence easterly and northerly along the south side of the said road about twenty-five chains twenty-five links, more or less, to the west bank of the river Don; thence south fifty-three degrees thirty minutes east with the stream, along the bank of the said river, two chains twenty-four links to a stake; thence south three degrees thirty minutes west three chains twenty-two links; thence south forty-two degrees fifteen minutes west ten chains fifty-three links; thence south twenty-five degrees west three chains sixty links; thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the north side of Carleton street, formerly Elm street; thence south twenty-four degrees west eight chains sixty-three links, more or less, to the place of beginning, and which said piece or parcel of land contains by admeasurement eleven acres and twenty-one hundredths of an acre, more or less, statute measure, being high land; and also that certain other piece or parcel of land, being part of the above mentioned lots numbers fifteen and sixteen in the first concession from the bay, in the township of York aforesaid, and which is butted and bounded as follows: Commencing at a stake placed on the north side of Carleton street, formerly Elm street, on a course north seventy-four degrees east at a distance of eight chains sixty-three links from the intersection of the east side of Sumach street and north side of Carleton street, formerly Elm street; thence north seventy-four degrees east four chains fifteen links to the west bank of the river Don; thence against the stream, following the windings of the river, about twelve chains to a stake placed on the bank on the west side of a proposed cut or canal, one hundred feet wide; thence north twenty-three degrees fifty minutes west six chains sixty-six links to the

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ing Grounds
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lands to the
city of
Toronto.

west bank of the river Don where a stake has been planted; thence against the stream north fifty-three degrees thirty minutes west one chain twenty-three links to a stake heretofore described; then south three degrees thirty minutes west three chains twenty-two links; thence south forty-two degrees fifteen minutes west ten chains fifty-three links; thence south twenty-five degrees west three chains and sixty links; thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the place of beginning, containing by admeasurement six acres and fifteen hundredths of an acre, more or less, statute measure, being low land or flats, which said lands if and when and so soon as sold and conveyed by the said the Trustees of the Toronto General Burying Grounds pursuant to the powers in this Act given, are to be held by the said the municipal council of the corporation of the city of Toronto for the purpose of forming part of an eastern public park in the said city of Toronto. 39 V. c. 66, s. 1.

Existing
agreement
with the city.

2. A certain agreement for the sale of the said lands for the purposes aforesaid, made between the municipal council of the corporation of the city of Toronto and the trustees of the Toronto General Burying Grounds, and dated the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-five, is hereby confirmed and declared to be of full force and effect. 39 V. c. 66, s. 2.

Removal of
the dead.

3. The said the trustees of the Toronto General Burying Grounds shall have power to remove of their own accord the remains of the dead now interred in the said lands hereby authorized to be sold, in case the friends and relatives of the dead should not themselves remove the said remains within thirty days after being notified in writing so to do, and in case the friends or relatives of any of the dead now remaining therein interred cannot, after due enquiry, be found, then the said the trustees of the Toronto General Burying Grounds shall have power, of their own accord, and without any notice, to remove the said remains of the dead now interred in the lands hereby authorized to be sold; and the remains removed shall be re-interred at the expense of the said the trustees of the Toronto General Burying Grounds in that portion of the Toronto Necropolis lying North of Winchester street, in the said city of Toronto, in burial places or lots corresponding in size as nearly as may be with those from which such remains shall have been removed. 39 V. c. 66, s. 3.

Rights of
lot owners.

4. Any party or parties owning a burial lot or lots in the said lands hereby authorized to be sold shall be entitled to receive at the costs and charges of the said trustees a conveyance of a burial lot or lots in that part of the Toronto Necropolis lying north of Winchester street, in

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the said city of Toronto, such lot or lots to correspond in size and value as nearly as may be with the lot or lots now owned by such party or parties in the lands hereby authorized to be sold, and the said the trustees of the Toronto General Burying Grounds shall, upon request, convey to any party or parties now owning burial lots in that portion of the lands of the said corporation hereby authorized to be sold, lots corresponding in size and value as nearly as may be in that part of the Toronto Necropolis lying north of Winchester street, in the said city of Toronto; and the lots to be conveyed to such party or parties (if any) are to be accepted by them in lieu of the lots now held by them for burial purposes in the lands hereby authorized to be sold, and in lieu of all right, title, claim, interest or demand they may have in respect thereof, and the said corporation the trustees of the Toronto General Burying Grounds are hereby authorized to sell and convey as aforesaid the lands hereinbefore described, free and discharged of and from all right, title, interest, claim and demand of such person (if any) as may now hold lots for burial purposes in the lands hereby authorized to be sold. 39 V. c. 66, s. 4.

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5. ROSEDALE DRIVE.

52 Vict. c. 95 (Ont.)

An Act respecting St. James' Cathedral, Toronto.

[Assented to 23rd March, 1889.]

* * * * *

4. The rector and churchwardens of St. James' Cathedral, Toronto, shall have power to sell and convey to the corporation of the city of Toronto, for parks or road purposes only or to any public corporation or trust for those purposes any unsold portions of the lands described in schedule A to the Act of the late Province of Canada, passed in the twenty-ninth, and thirtieth years of Her Majesty's reign, chaptered 151, upon such terms as have been or may hereafter be approved by the vestry of the said St. James' Cathedral, Toronto. 52 V. c. 95, s. 4.

* * * * *

SCHEDULE A.

(29-30 Vict. c. 151.)

All and singular that certain parcel or tract of land and premises situate lying and being in the city of Toronto, and township of York, containing by admeasurement 65 acres of land, be the same more or less, being composed of parts of park lots numbers one and two, lying and being on the west side of the river Don and butted and bounded as follows:—Commencing where a post has been planted on the limit between lots numbers two and three at a distance of 75 chains 93 links, more or less, from the front of the first concession on a course north 16 degrees west; thence north 74 degrees east, 30 chains, 15 links, more or less, into the mill dam; thence north 16 degrees east, two chains, more or less, to where a post has been planted; thence north 74 degrees east, 8 chains, 38 links, more or less, to the river Don; thence in a northerly direction following the windings of the river to within 11 chains of the south side of the allowance for road on the front of the second concession and to the eastern boundary of land belonging to Francis Melville Cayley, Esquire; thence south 74 degrees west, 30 chains, more or less, to where a post has been planted marked C. one, No.—; thence south 16 degrees east, 13 chains, 31 links, more or less to the place of commencement, being the premises conveyed or intended to be conveyed by one John Richard Nash and his wife, to the churchwardens of St. James' Church, Toronto, by indenture, bearing date the 1st day of August, A.D. one thousand eight hundred and forty-four, and registered in the registry office of the county of York, on the 29th day of March, A.D. one thousand eight hundred and forty-seven, and surveyed and laid out as a cemetery and thenceforth used for that purpose.

PENINSULA.*See ISLAND.*

POLICE COMMISSIONERS.

55 Vict. c. 42 (Ont.)

An Act to Consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

434.—(1) In every city there is hereby constituted a board of commissioners of police, and in every town having a police magistrate the council may constitute a like board, and such board shall consist of the mayor, the judge of the county court of the county in which the city or town is situate, and the police magistrate; and in case the office of county judge or that of police magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. R. S. O. c. 184, s. 434.

(2) The council of any city with a population of 100,000 or over, may by by-law provide for the payment of the police commissioners or any of them. 53 V. c. 50, s. 14.

* * * * *

PUBLIC LIBRARY.

See LIBRARY AND MUSEUM.

PUBLIC SCHOOLS.

See SCHOOLS.

RAILWAYS.

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6. RIGHTS, ETC., ON ESPLANADE—See ESPLANADE.	

1. GRAND TRUNK RAILWAY.

22 Vict. c. 71.

An Act to authorize the City of Toronto to issue Debentures for redeeming some of their outstanding Debentures, for which no sinking fund has been provided and for other purposes.

[Assented to 4th May, 1859.]

* * * * *

Corporation
may dispose
of certain
railway
stocks, etc.

7. The corporation [of the city of Toronto] may also pass a by-law or by-laws for authorizing the sale or exchange in this country or elsewhere, of twenty thousand shares of the capital stock in the Toronto and Guelph Railway Company, since amalgamated with the Grand Trunk Railway Company of Canada, and now constituting in the last named Company, three thousand two hundred and eighty-eight shares, of twenty-five pounds sterling each, amounting in all to eighty-two thousand and two hundred pounds sterling, and held by the city, for cash or for the debentures, or for such portion of the same, as were issued by the city for the purchase of the said stock, as may be agreed upon between the said city and the holders of said debentures. 22 V. c. 71, s. 7.

Investment if
the stock is
sold for cash.

8. If the stock is sold for cash then the proceeds of such sale shall be invested in such security as the Governor in Council may direct, and the capital sum so invested, with all interest accruing therefrom, shall be applied towards the interest and redemption of the debentures last aforesaid. 22 V. c. 71, s. 8.

If exchanged
for debentures.

9. If the stock is exchanged for the debentures, or any portion of them, such debentures or such portion shall be cancelled accordingly. 22 V. c. 71, s. 9.

10. In case upon any exchange the amount of debentures received is less than the total amount of debentures issued, the corporation may redeem such residue by the issue of new debentures, payable in such sums and at such times, not exceeding thirty years, as the council may think fit, and the residue of debentures so redeemed shall be cancelled accordingly. 22 V. c. 71, s. 10.

If they are exchanged at less than par, residue of debentures to be redeemed.

23 Vict. c. 86.

An Act to remove doubts as to the validity of By-law number three hundred and nine of the Corporation of the City of Toronto, and of certain Debentures issued thereunder.

[Assented to 19th May, 1860.]

WHEREAS by petition of Thomas Galt, Esquire, of the city of Toronto, it is stated that the petitioner was the holder of debentures of the city of Toronto, to the amount of one hundred thousand pounds; that under the provisions of chapter seventy-one of the statutes passed in the twenty-second year of Her Majesty's reign, the petitioner entered into an agreement with the said city for the redemption and exchange of the said debentures, by which the city was to deliver to the petitioner in exchange for certain of the said debentures, amounting to fifty-seven thousand four hundred and twenty-six pounds, provincial currency, certain other debentures of the city amounting to forty-seven thousand two hundred pounds sterling; that under such agreement, the corporation of the said city passed a by-law, number three hundred and nine, providing for the issue of debentures to the amount of forty-seven thousand two hundred pounds sterling for the purpose of delivering the same to the petitioner as aforesaid; that the petitioner has been advised it is doubtful whether the debentures which have been so issued, are legal and binding on the city, and therefore he prays an Act may be passed declaring the said by-law to be valid, and that any debentures issued thereunder are legal and binding on the city; And whereas it is represented that the cause of the doubts of the validity of the said debentures and by-law is, that no sinking fund or any rate therefor, is provided for in the said by-law; and whereas

it is desirable to extend the relief prayed for to the petitioner :

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The by-law and debentures declared valid. 1. The said by-law and debentures shall be and are hereby declared to be valid, to and for all intents and purposes whatsoever. 23 V. c. 86, s. 1.

Public Act. 2. This Act shall be deemed a Public Act. 23 V. c. 86, s. 2.

3. CREDIT VALLEY RAILWAY.

36 Vict. c. 80 (Ont.)

An Act to amend the several Acts relating to the Credit Valley Railway Company

[Assented to 29th March, 1873.]

* * * * *

The corporation of Toronto may make the debentures issued by them on behalf of the company payable at different places. 12. The corporation of the city of Toronto may cause the debentures for the bonus of one hundred thousand dollars granted by them to the said company, and the coupons or interest warrants attached thereto, to be made payable at the Bank of Toronto in Toronto, as is provided by the by-law of the said corporation for granting such bonus; or may in their discretion, notwithstanding the said provisions of the said by-law, cause the same to be made payable at any other bank or banks in the said city of Toronto, or at any bank or banks or places in the city of London, in England; and it shall not be necessary that all of the said debentures and the interest warrants, or coupons thereof be made payable at any one place, but the said corporation may cause so many of the said debentures, and the interest warrants, or coupons thereof, as they shall see fit to be made payable at such one or ones respectively of the said banks or places as they shall see fit: and it shall not be necessary for the said corporation to pass or submit to the vote of the ratepayers any amended by-law for such purpose. 36 V. c. 80, s. 12.

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43 Vict. c. 54 (Dom.)

An Act respecting the Credit Valley Railway Company.

[Assented to 7th May, 1880.]

WHEREAS the Credit Valley Railway Company have, Preamble.

by their petition, prayed that an Act may be passed to facilitate their entrance into the city of Toronto, and to secure to them access from the line of the said railway at Queen street to the water lots between Simcoe and John streets in the said city, acquired by the said Credit Valley Railway Company for the purposes of a terminal station for the same, and to enable them to operate their traffic thereto; and whereas it is agreed to establish the line of the said railway from Queen street in the said city, along the vacant land south of and adjoining the strip of land one hundred feet wide, now occupied by the Grand Trunk and Northern Railway Companies, eastward to a point at or near Bathurst street in the said city; and whereas the Northern Railway Company have agreed to allow the Credit Valley Railway Company, for the purposes aforesaid, to acquire and exercise through running powers from the said point at or near Bathurst street over the main track now or to be hereafter laid upon and over the property now occupied by the Northern Railway Company between Bathurst and Brock streets, to a point on the northerly part of Esplanade street, at or near its intersection with the east side of Brock street; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the said the Credit Valley C.V. Railway Company to enter upon and occupy so much of a strip of land thirty feet wide as is subject to the control of the Parliament of Canada, and extending from Queen street, in the city of Toronto, and lying to the south of and adjoining the strip of land one hundred feet wide now occupied by the Grand Trunk and Northern Railway Companies, eastward to a point at or near the crossing of the main lines of the Northern and Great Western Railways, near Bathurst street in the said city, being the point of junction hereinafter mentioned: Provided, compensation shall be made under the provisions of "*The Consolidated Railway Act, 1879.*" 43 V. c. 54, s. 1. Company may occupy certain lands in Toronto. Compensation to be made.

2. It shall be lawful for the Credit Valley Railway Company, and they are hereby authorized and empowered to May connect with line of Northern Railway.

join and unite their main line with the main line of the Northern Railway Company, at a point not exceeding seventy-five yards west of the said crossing of the main lines of the Northern and Great Western Railways near Bathurst street. 43 V. c. 54, s. 2.

Arrange-
ments as to
running pow-
ers, over part
of Northern
Railway.

Proviso: how
regulated.

Proviso: as
to compen-
sation by
agreement or
arbitration.

Duration and
renewal of
agreement.

Such running
powers grant-

3. When and so soon as the Credit Valley Railway Company shall have constructed their railway from Queen street to the said point of junction with the Northern Railway near Bathurst street, then the Credit Valley Railway Company shall acquire and have the right to exercise, for the purposes of their traffic and construction, through running powers from the said point of junction near Bathurst street over the main line of the Northern Railway now or to be hereafter laid upon and over the property occupied by the said company between Bathurst and Brock streets to a point on the northerly part of Esplanade street at or near its intersection with the east side of Brock street, such running powers to include the right, privilege and power of running the trains, locomotives and cars of every description engaged in the traffic and construction of the Credit Valley Railway Company between the said points: Provided always, that the exercise of all such running powers shall be subject to the control of the Northern Railway Company, and under such running regulations of the Northern Railway Company as may, from time to time, be in force and operation, with regard to the movement of their own trains; and provided further, that the exercise of the said running powers shall also be subject to payment for the same by the Credit Valley Railway Company to the Northern Railway Company of such tolls, rents or compensations as shall be mutually agreed upon, or in the event of disagreement, as shall be settled by arbitrators to be appointed as hereinafter provided,—regard being had, in the settling such tolls, rents or compensations, to any special expenditure necessarily incurred by the Northern Railway Company in making such alterations and rearrangements of the tracks and track service of their yard, to ensure the safe and proper working of the running powers hereby granted; and further that in settling such tolls, rents or compensations the arbitrators shall award an annual fixed specified amount to be paid by the Credit Valley Railway Company, for the right to exercise such running powers in addition to any tolls or compensations that may be awarded for actual user of such powers; and the tolls, rents or compensations thus settled shall continue in force for five years, and may then, at the request of either party, be renewed or re-settled for such further period as may be agreed upon, and so on, from time to time, by agreement, or in case of dispute, by arbitration, as hereinafter provided. 43 V. c. 54, s. 3.

4. It is hereby declared that the running powers hereby granted are exclusively granted to the Credit Valley Rail-

way Company, and that in the event of the said the Credit Valley Railway Company being amalgamated, or uniting with any other railway company, or in the event of the Credit Valley Railway being leased or sold to or coming under the control of any other railway company, or in the event of the Credit Valley Railway Company acquiring or leasing any other railway, or in the event of the said Credit Valley Railway Company entering into joint working arrangements with any other railway company, then and in any such case the running powers hereby granted shall wholly cease and be determined, unless the said the Credit Valley Railway Company and the Northern Railway Company agree to such amalgamation, union, lease, sale, or joint working arrangements. 43 V. c. 54, s. 4.

5. In case the said companies shall fail to agree upon the extent or manner of working the running powers hereby granted, or upon the tolls, rents or compensations to be paid for the same, or upon any other matters arising out of the powers conferred by this Act, then the same shall be settled by three arbitrators appointed from time to time, one to be appointed by each of the said railway companies, and the third by the Chief Justice, or one of the judges of the Court of Appeal of the Province of Ontario; and in the event of either of the said companies refusing or neglecting to appoint such arbitrator for the space of ten days after being requested or notified so to do by the other company, then the said Chief Justice or judge shall appoint such arbitrator for the company so neglecting or refusing; and the award of the said arbitrators or of the majority of them may be enforced by a judge of any one of the superior courts of law or equity in Ontario; and it is hereby declared that if the said the Credit Valley Railway Company shall neglect or refuse for the period of three months to pay such tolls, rents or compensations as may, at any time, be due by them to the said the Northern Railway Company under any award which may be made under the provisions of this Act, then the said the Northern Railway Company may give the said the Credit Valley Railway Company notice in writing to pay the same within one month, and in the event of the said the Credit Valley Railway Company at the expiry of the said month neglecting to pay the said sum so due and demanded, the running powers hereby granted shall at once cease and be determined. 43 V. c. 54, s. 5.

to C. V.
Railway
Company
only.

Appointment
of arbitrators
in case of dis-
agreement.

Provision in
default of
appointment
by either
company.

Enforcing
award.

Provision in
case of failure
by C. V.
Railway
Company to
pay com-
pensation
awarded.

4 MIDLAND RAILWAY.

45 Vict. c. 67 (Ont.)

An Act to consolidate the Toronto and Nipissing Railway Company, the Whitby, Port Perry and Lindsay Railway Company, the Victoria Railway Company, the Toronto and Ottawa Railway Company, the Grand Junction Railway Company, and the Midland Railway of Canada.

[Assented to 10th March, 1882.]

* * * * *

Municipal directors.

29. The corporation of the city of Toronto shall have the same power to appoint an *ex officio* member of the board of the said company, which before the passing of this Act they the said corporation possessed with respect to the Toronto and Nipissing Railway Company; and the mayor of the city of Belleville, for the time being, shall also be *ex officio* a director; also, the corporation of the town of Lindsay shall have the right to name an *ex officio* director of said company. And to be in addition to the number named in the said agreement for consolidating said companies. 45 V. c. 67, s. 29.

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RECEPTIONS.

55 Vict. c. 42 (Ont.)

An Act to consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

Annual appropriation for travelling and other expenses.

520 a.—The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case

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of cities having a population of 100,000 or over, be not more than \$5,000; in the case of other cities having a population of 20,000 and over, not more than \$1,000, and in the case of other cities, not more than \$500 in any year. 55 V. c. 42, s. 520 a.

* * * * *

REGISTRY AND LAND TITLES OFFICES.

R. S. O. (1887) c. 116.

An Act to simplify Titles and to facilitate the Transfer of Land.

* * * * *

132.—(1) The municipal council of a county or of a city or town separated from a county for municipal purposes may pass a by-law declaring it expedient that the provisions of this Act be extended to the said county, city or town.

(2) The municipal corporations of the county of York and city of Toronto and of any county, city or town which passes a by-law to the effect aforesaid, shall provide proper fire proof and other accommodation for an office of land titles, and so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the master of titles of the locality and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance and other matters and things incident to the proper conduct of the business of the office.

(3) Where this Act is extended to a county which includes a city or town separated from the county for municipal purposes the city or town and county shall share the expenses to be borne by the locality under this Act in such proportions as may be decided by arbitration under *The Municipal Act* in case the councils interested do not agree in respect thereto. R. S. O. c. 116, s. 132.

* * * * *

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

2.—(9) Having regard to the amount of fees which are being received by the city of Toronto, and which will be received for the future from the city registrar in respect of lands situate in the ward of Saint Paul's, formerly the village of Yorkville, and in the portion of the township of York hereby annexed to the city of Toronto, and in consideration of the serious loss of income which has arisen and will continue to arise to John Ridout, Registrar of the county of York, from such annexation of territory to the said city of Toronto, it is hereby enacted, the council of the said city not objecting thereto, that by way of compensation to him the corporation of the city of Toronto shall pay to the said John Ridout the sum of two thousand dollars. 47 V. c. 59, s. 2 (9).

56 Vict. c. 21 (Ont.)

An Act respecting the Registration of Instruments Relating to Lands.

[Assented to 27th May, 1893.]

* * * * *

Registry
divisions in
Toronto,

4. There shall be separate registry divisions for the city of Toronto, to be called respectively, East and West Toronto. 56 V. c. 21, s. 4.

East Toronto consists of all that part of the city of Toronto lying east of Spadina avenue and Spadina road, continued south and north, to the boundaries of the city, and shall include the land on Spadina avenue, now occupied by Knox College, and the Island lying south of the city of Toronto.

West Toronto consists of all that part of the said city lying west of Spadina avenue and Spadina road, continued as aforesaid to the boundaries of the city. 56 V. c. 21, Sched. P., part 3.

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5. The registry building now on Richmond street west, in the city of Toronto, shall be and continue to be the offices of the registry divisions of East and West Toronto. The former registrar of the city of Toronto shall, during pleasure and without new appointment, be registrar for the registry division of West Toronto. 56 V. c. 21, s. 5.

6. The council of the city of Toronto shall, by additions thereto to be approved by the Lieutenant-Governor in Council, provide in or in connection with the present registry building, or otherwise, sufficient safe and proper fire-proof offices and vaults for the registry offices for both divisions of East and West Toronto, and for the office of land titles for the said city, and shall furnish the same in accordance with the provisions of this Act and *Land Titles' Act*, respectively. 56 V. c. 21, s. 6.

7. (1) The registry books, and all books of indexes, which have been kept exclusively for such part of the city of Toronto hereby set apart as the registry division of East Toronto, and likewise all original memorials, all original duplicates, and all deeds, conveyances and wills, and all other instruments, and all maps or plans lodged according to law in his office, and relating exclusively to lands within the division of East Toronto, shall remain in the custody of the registrar of East Toronto.

(2) All other abstracts, index books and registry books, original memorials and original duplicates, and all deeds, conveyances and wills, and all other instruments and maps or plans, affecting lands in both registry divisions, shall remain and continue with the registrar of the registry division of West Toronto.

(3) All wills and instruments in which there is a general devise, conveyance or power affecting lands in the city of Toronto without local description, shall be registered in the registry division of West Toronto.

(4) The registrar of the registry division of West Toronto is hereby authorized and empowered to certify to all abstracts of title and copies of instruments from such books retained in his office, and affecting lands in the registry division of East Toronto, and he is to permit searches to be made therefrom, whenever required so to do, upon being paid the ordinary fees.

(5) The present senior deputy registrar shall be the abstract clerk of the two divisions, during the pleasure of the Lieutenant-Governor, and shall perform such other duties as the Lieutenant-Governor may direct. His salary shall be paid by the two registrars, one-half each, or in such other proportions as the Lieutenant-Governor may from time to time direct.

(6) The master of titles is at liberty to inspect, by himself or his clerks, all books and papers in the said offices for his own information as such master, without payment of fees, subject to any general rules to be made under the authority of *The Land Titles' Act*, 56 V. c. 21, s. 7.

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ROADS AND STREETS.

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1. GENERALLY.

48 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 30th March, 1885.]

* * * * *

By-laws
changing
names of
streets con-
firmed.

3. All by-laws heretofore passed by the council of the city of Toronto, changing the names of streets, are hereby declared valid. (a) 48 V. c. 73, s. 3.

* * * * *

(a) As to changing names of streets generally, see 55 Vict. c. 42, s. 496, sub-s. 31 (Ont.)

55 Vict. c. 42 (Ont.)**An Act to consolidate the Acts respecting Municipal Institutions.***[Assented to 14th April, 1892.]*

* * * * *

545a—(1) The municipal council of any city having a By-laws population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or ^{width of} other public places within the municipality wherein ^{streets.} dwelling houses may be erected or occupied, and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law as may from time to time alter or amend or repeal any such by-law.

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take the proposed by-law into consideration. 55 V. c. 42, s. 545a.

2 BLOOR STREET.**14-15 Vict. c. 39.****An Act to vest a certain Allowance for Road in the Township of York in certain persons.***[2nd August, 1851.]*

WHEREAS the road allowance between the first and ^{Preamble.} second concessions from the bay in the township of York, in the county of York, in the rear of park lots numbers one, two, three and four, and north of lots fifteen and sixteen in the first concession from the bay in the said township of York, passes through a very rough and uneven piece of ground traversed by two deep ravines forming the bed of the river Don and a small stream descending from the Davenport ridge with precipitous banks on either side rising to the height of one hundred and twenty-three

feet, rendering that portion of the concession line wholly impracticable as a public highway; And whereas another road to the south of the said allowance for road and through the said lots has been opened and is used as a substitute for the said allowance; And whereas from its proximity to the city of Toronto, and from its being out of the jurisdiction of the city authorities, it has become the resort of dissolute persons who congregate there in great numbers, destroying the fences and property of the adjacent proprietors of land; And whereas the Honourable Christopher Widmer, Adam Wilson and Lawrence Hayden, executors and trustees of the last will and testament of the late Henry Sullivan, deceased; and Henry Scadding, surviving trustee under the last will and testament of the late John Scadding, deceased; and Samuel Peter Jarvis, Francis Melville Cayley, John George Howard and John Playter of the said city of Toronto and township of York, own the land on each side of the said allowance for road from the block house standing at the north-west angle of park lot number four to the Plank road intersecting the said allowance on the east bank of the Don; And whereas it is expedient that the said road allowance should be granted to the said Christopher Widmer, the said Adam Wilson and Lawrence Hayden, executors and trustees as aforesaid, the said Henry Scadding, surviving trustee as aforesaid, the said Samuel Peters Jarvis, Francis Melville Cayley, John George Howard and John Playter aforesaid, in lieu of the said roads so granted through the said lots.

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly in the Province of Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada and for the government of Canada*, and it is hereby enacted by the authority of the same:

Road laid out through lots of certain persons to be a public highway and road allowance vested in those persons in lieu thereof.

1. That the road so laid out through the said lots and now travelled as a public highway shall be and remain a public highway, and that the said original allowance be and the same is hereby vested in the said Christopher Widmer, the said Adam Wilson and Lawrence Hayden, executors and trustees as aforesaid, the said Henry Scadding, surviving trustee as aforesaid, the said Samuel Peters Jarvis, Francis Melville Cayley, John George Howard and John Playter, their heirs and assigns for ever, in lieu of the road so given in the proportions hereinafter mentioned, that is to say: the north half of the said allowance for road between the said Block house and the point where

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the said allowance is intersected by the said Plank road to the east of the river Don to the said Samuel Peters Jarvis, Francis Melville Cayley and John Playter, respectively, then respective heirs and assigns, conterminously with the limits of their respective properties butted and bounded by the said allowance; and the south half of the said allowance for road to the said John George Howard, the said Adam Wilson and Lawrence Hayden, executors and trustees as aforesaid, the said Christopher Widmer, the said Francis Melville Cayley, and the said Henry Scadding, surviving trustee as aforesaid, respectively, their respective heirs and assigns, conterminously with the limits of their respective properties butted and bounded by the said allowance for road. 14-15 V. c. 39, s. 1.

19-20 Vict. c. 96.

An Act to settle the Northern Boundary Line of of the City of Toronto.

[Assented to 1st July, 1856.]

WHEREAS the concession line now forming the north-
ern limit of the liberties of the city of Toronto (being the allowance for road between the park lots and the second concession in the township of York), has been found to diverge from the proper course, and the common council of the city of Toronto caused the same to be made straight, and expended a large sum of money in turnpiking and otherwise improving the said line of road and in building stone culverts thereon, and after such expenditure was made it was discovered that the said line in the original survey thereof had been either through carelessness or inadvertence run irregularly and crookedly, by means whereof the line of road upon which such expenditure was made is without the liberties of the said city, and the mayor, aldermen, and commonalty of the city of Toronto have no power to retain possession thereof or arrange with the owners and proprietors or others interested in the land so taken in the straightening of the said road for the value thereof or for damages claimed by them; And whereas it is expedient that authority be given to the mayor, aldermen, and commonalty of the city of Toronto, to straighten the said road and to arrange with the said proprietors or owners of land necessarily taken for that purpose, or other persons interested therein, and that such straight line should be made the northern boundary of the said city of Toronto:

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The line as straightened to be the northern boundary of Toronto; and the land gained vested in corporation.

1. From and after the passing of this Act the said concession line so straightened as aforesaid shall be taken to be and shall be the northerly boundary line of the liberties of the said city of Toronto; and all the land lying between the line so straightened and the line as originally run, together with the land contained within the said original line, shall be vested in the mayor, aldermen, and commonalty of the city of Toronto for the purposes herein-after mentioned. 19-20 V. c. 96, s. 1.

Settlement of claims of persons losing land.

2. All claims for compensation to parties whose property shall be taken by virtue of the preceding section, shall be settled and adjusted by arbitration in the manner prescribed by the thirty-third section of the Act passed in the sixteenth year of Her Majesty's reign, and chaptered one hundred and eighty-one. 19-20 V. c. 96, s. 2.

How the land gained shall be dealt with.

3. All the land lying between the new line of road so straightened as aforesaid and the southern limit of the old line, and vested in the mayor, aldermen, and commonalty of the city of Toronto by this Act, shall be held by them in trust from time to time to convey the same to the respective owners or proprietors of the land lying to the south of and immediately adjoining the said old line of road or the person or persons having the legal estate therein, according to the frontage of their respective lots thereon, so soon as such owner or proprietor or such other person or persons as aforesaid, or any of them, shall have paid to the said mayor, aldermen, and commonalty of the city of Toronto, the value of their several and respective pieces of land agreed upon at any time hereafter between the said respective owners or proprietors, or other person or persons as aforesaid, and the said mayor, aldermen, and commonalty of the city of Toronto; and in case such value shall not be agreed upon between them as aforesaid, within one month after the passing of this Act, the same shall be ascertained by arbitration in like manner as is prescribed in the second section of this Act; and in making their award in the premises it shall be the duty of the arbitrators to take into consideration all the circumstances which have rendered necessary the said reference; Provided always, that until the settlement of such value and the payment thereof to the said mayor, aldermen, and commonalty of the city of Toronto, it shall not be lawful for any person or persons, or other party whomsoever, to enclose or in any wise obstruct the said old line of road under any pretence whatsoever. 19-20 V. c. 96, s. 3.

To be conveyed to certain parties on certain conditions.

Proviso.

Public Act.

4. This Act shall be deemed a Public Act. 19-20 V. c. 96, s. 4.

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3. YORK ROADS.

29 Vict. c. 69. (a)

An Act to vest the York Roads in the County of York, and to relieve the County of Peel from all liability therefor.

[Assented to 18th September, 1865.]

WHEREAS the county council of the united counties Preamble.
of York and Peel became the purchasers from Her Majesty of the roads within the said united counties commonly called and known as the York roads, for the sum of seventy-two thousand and five hundred dollars: And whereas since the said purchase the said county of Peel has been separated from the said county of York, and both of the said counties have petitioned that the said York roads may be vested absolutely in the county of York, and that the county of Peel may be completely exonerated from the payment of, and all liability for, the said purchase money, and it is desirable to grant the prayer of the said petitioners:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The roads commonly called and known as the York roads, purchased from Her Majesty by the county council of the late united counties of York and Peel, with all the tolls, rights, franchises, privileges, easements and appurtenances thereto belonging, shall be and are hereby vested absolutely in the county of York, free from all claim of the county of Peel, as fully and effectually as if the said York roads had been purchased from Her Majesty by the county of York alone. 29 V. c. 69, s. 1.

2. The county of Peel shall be and is hereby exonerated and discharged from the payment of the purchase money, and every part thereof, of the said York roads, and no rate or tax shall be assessed, levied or made in the said county of Peel, on any ratable property in the said county of Peel, for the said purchase money or any part thereof, nor shall the county of Peel be, in any other manner liable for the said York roads. 29 V. c. 69, s. 2.

3. The whole of the said purchase money of the said York roads shall be paid to Her Majesty by the said county of York alone, and shall be assessed, raised and

(a) For former enactments referring to these roads See 12 Vict. c. 5; 14-15 Vict. c. 124. See also *O'Neill v. York and Peel*, 15 U. C. C. P. 249.

levied, when required, upon the ratable property in the county of York alone, and all agreements, by-laws and debentures, made by the said united counties of York and Peel in respect to the purchase of the said roads, and for the payment of the purchase money therefor, shall be deemed and taken to be, and they are hereby declared to be, the agreements, by-laws and debentures of the county of York alone, and shall be as valid and binding upon the said county of York as if they had been made by the county of York alone. 29 V. c. 69, s. 3.

Public Act.

4. This Act shall be deemed a Public Act. 29 V. c. 69, s. 4.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

St. Matthew
and St.
Mark's
wards.

2. (7) Within two months after the passing of this Act, the council of the city of Toronto shall, by by-law take possession of and assume all roads and bridges being the property of and belonging to the county of York, situate within the limits of the territory hereby annexed to the said city (b); also including the Don bridge on the Kingston road, together with that part of King street lying west of the said bridge, being the property of the county of York, subject, however, to the right of the said county to receive proper compensation therefor, and in the event of the said council not being able to agree with the said county on the amount of compensation for any such road or bridge, then such compensation shall be determined by arbitration under the provisions of the *Consolidated Municipal Act, 1883*, in that behalf. 47 V. c. 59, s. 2 (7).

* * * * *

7. * * * To provide for the acquisition of roads and bridges which the city is obliged to assume where the limits thereof are extended by this or any other Act, * * * it shall and may be lawful for the said council of the city of Toronto to pass by-laws from time to time, and as occasion may require, without obtaining the assent of the electors thereto before the final passing

(b) See p. 22.

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thereof for borrowing money by the issue of debentures or city stock on the credit of the city at large to the amounts and for the purposes following, that is to say :

(3) For paying the amounts, if any, which may from time to time be found due from the corporation of the city of Toronto, by agreement or arbitration, to the corporation of the county of York, and to any plank or gravel road company, or to any other body corporate, or person or persons, for roads, bridges, or other works or improvements, assumed or to be assumed by the council of the city of Toronto, by by-law, pursuant to the provisions of any Act of the legislature of the province of Ontario respecting the extension of city limits. 47 V. c. 59, s. 7 (3).

52 Vict. c. 77 (Ont.)

An Act respecting the York Roads and the Surveys thereof.

[Assented to 23rd March, 1889.]

WHEREAS the corporation of the county of York have by their petition represented that the roads, commonly called and known as the York roads, comprising Yonge street, the East York road, otherwise called the Kingston road, Dundas street, otherwise called the West York road, and the Lake Shore road, were granted and conveyed to the united counties of York and Peel by His Excellency the Governor-General of the late Province of Canada in Council, by order in council, dated the fourth day of April, 1865, and that upon the separation of the county of Peel from the county of York the corporation of the county of York acquired the said roads, and by an Act of the Parliament of the Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, chaptered 69, the said roads were vested absolutely in the corporation of the county of York; and that the stakes or other marks of the bounds of the said roads have disappeared and encroachments have from time to time been made upon the said roads by the erection of fences and otherwise, and that disputes have arisen and the said corporation and their servants have been exposed to litigation, and that it is desirable to determine such disputes and not to expose the said corporation to the uncertainties of liti-

Preamble.

gation, respecting the limits of the said roads; and that the said corporation has caused to be made a survey of the said Kingston road, otherwise called the East York road, and a plan thereof, and a survey of Dundas street aforesaid, otherwise called the West York road, and a plan thereof to be made by Messrs. Unwin, Browne & Sankey, Provincial Land Surveyors, and a survey of the Lake Shore road aforesaid, and a plan thereof to be made by John Thomas Stokes, civil engineer, showing the said roads, respectively, as at present defined; and whereas the said corporation has prayed that the said surveys and plans thereof may be legalized, confirmed and established, and that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Surveys confirmed.

1. The survey of that part of the Kingston road aforesaid within the county of York, made by Messrs. Unwin, Browne & Sankey, a plan whereof has been made by them, dated the 18th day of December, 1888, for the purpose of defining the location and width of the said road and the boundaries of the lands along the said road, and the survey of that part of Dundas street aforesaid within the county of York, made by Messrs. Unwin, Browne & Sankey, a plan whereof has been made by them, dated the 31st day of December, 1888, for the purpose of defining the location and width of the said road and the boundaries of the lands along the said road, and the survey of the Lake Shore road aforesaid, made by John Thomas Stokes, a plan whereof has been made by him dated the 22nd day of June, 1886, for the purpose of defining the location and width of the said road and the boundaries of the lands along the said road, shall be and the same are hereby declared to be the true and unalterable surveys and descriptions of the said roads, respectively, and the width of the said roads, respectively, and the boundaries of the lands along the said roads respectively, shall be as defined on the said plans, and the said roads respectively, as defined on the said plans, are hereby declared to have been and are hereby vested in the said the corporation of the county of York, their successors and assigns. 52 V. c. 77, s. 1.

Pending proceedings not affected.

2. Nothing in this Act contained shall affect any matters in question in certain actions now pending in the High Court of Justice between William Helliwell and Thomas Stevenson, respectively, as plaintiffs against the said county of York as defendants or any matter in question in a certain other action in the said Court wherein the said county of York are plaintiffs, and Ardagh and Leonard are defendants. 52 V. c. 77, s. 2.

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3. Within one year after the passing of this Act any person claiming that any of the said roads as defined in the said plan encroaches upon his rights may notwithstanding this Act assert such claim and bring any action for that purpose which may be thought necessary; and in case it shall be established that any encroachment has taken place, such person shall be entitled to compensation in respect thereof, to be determined, in the event of the parties differing as to the same, in the manner provided by the arbitration clauses of *The Municipal Act*, and the Court in which such action is pending may in the action make all such orders and give all such directions as may be necessary for the purpose of having such compensation so determined and when determined paid. 52 V. c. 77, s. 3.

4. The plans of surveys of said roads, in section 1 Plans hereof mentioned, are hereby declared to be the plans already filed with the Commissioner of Crown Lands of the Province of Ontario. 52 V. c. 77, s. 4.

ROSEDALE CREEK SEWER.

See GARRISON CREEK AND ROSEDALE CREEK SEWERS.

SCHOOLS.

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1. GENERALLY.

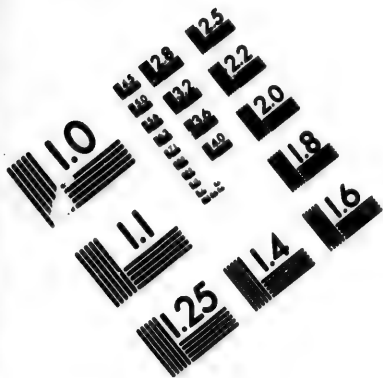
32 Vict. c. 44 (Ont.)

An Act to amend the Act respecting Common Schools in Upper Canada.

[Assented to 23rd January, 1869.]

This Act made special provisions for the election of School Trustees in Toronto; it was amended by 37 V. c. 28, s. 73. and 39 V. c. 61, but the provisions of all these Acts, so far as they related to Toronto, were repealed by 42 V. c. 34, s. 8.





39 Viot. c. 61 (Ont.)

An Act to amend the Act relating to the Election of School Trustees in the City of Toronto.

[Assented to 10th February, 1876.]

* * * * *

8. The Board [of School Trustees of the city of Toronto] in addition to the powers conferred upon them under *The Consolidated School Act, 1874*, in reference to the compulsory taking of land for school sites, shall have the power to settle all claims or rights had by any person or persons other than the owner of the said land over any land so required as a site for a public school by arbitration in the same manner as is provided for the compulsory extinguishment or settlement of the owner's rights over the said land. 39 V. c. 61, s. 8.

54 Viot. c. 32 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

Election of
school
trustees.

* * * * *

10. (1) Notwithstanding the provisions of *The Public Schools Act, 1891*, all the members of the Toronto public school board shall retire from office at the time appointed for the next annual school election when a new board shall be elected, the old board retaining office only until their successors shall have been duly elected and the new board organised.

(2) For every ward into which the city of Toronto is divided by section 9 (a) of this Act there shall be four school trustees, two of whom after the next annual school election shall continue in office for two years and until their successors have been elected and the new board organized.

(3) Two of the trustees in each ward (to be determined by lot at the first meeting of the board after the next annual school election, which determination shall be entered upon the minutes), shall retire from office at the time appointed for the next annual school election and the other two shall continue in office one year longer and then

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retire after which two trustees shall be elected annually for each ward.

(4) In pursuance of the resolution of the present board and the notice by them given to the city clerk the election of the new trustees as aforesaid shall be held by ballot on the same day as the municipal aldermen are elected at the next annual election thereof, under the provisions of section 103 of *The Public School's Act, 1891*, and sub-sections thereof. 54 V. c. 82, s. 10.

* * * * *

2. BROCKTON, YORKVILLE AND TOWNSHIP OF YORK.

47 Vict. c. 47 (Ont.)

An Act to empower the Municipality of the Village of Brockton to make Special Assessments and for other purposes.

[Assented to 25th March, 1884.]

* * * * *

2. The said municipality [of Brockton] is hereby declared for school purposes to be separate from school section number twenty-two, and all acts, deeds and things done by the school board, or by the said village, at the request of the said public school board, since the incorporation of the said village, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of, formal steps for altering the boundaries of said section, or separating the said municipality from said section after the incorporation thereof, as if such municipality had been erected into a school section according to law, and the said school board is hereby declared to have all the rights, powers and privileges conferred on public school boards of villages by any Act or Acts of the Legislature of Ontario. 47 V. c. 47, s. 2.

* * * * *

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

Certain school property of Yorkville, &c., vested in public school board of Toronto.

3. All the lands, property and effects which belonged to or were vested in the public school board of the late village of Yorkville, and of the village of Brockton, in the county of York, or in the public school trustees of section number ten in the township of York; or in the public school trustees of section number six in the township of York, and all other public school property, situate within the territory annexed by this Act (b) to the city of Toronto, are hereby vested in and declared to be the property of, and to belong to the public school board of the city of Toronto, subject to any liabilities existing against the said properties or any debenture debt or other securities issued in respect thereof. 47 V. c. 59, s. 3.

School trustees of sec. 6 in township of York continued in office.

4. The public school trustees of section number six, in the township of York, are hereby continued in office as regards that portion of said section not included as part of the city of Toronto within the limits of the ward of St. Matthew, as hereby formed under this Act, with power to make arrangements for the annexation of the said portion of the said section to any other school section of the said township, and to settle all compensation, if any, due to the same by the public school board of the city of Toronto, or any other school section in the said township, or in the event of any disagreement by arbitration as provided under *The Public School's Act*. 47 V. c. 59, s. 4.

Provisions respecting separate schools in wards of St. Matthew and St. Mark.

5. (1) Immediately after this Act comes into force, the necessary proceedings shall be had and taken for the election of two separate school trustees for each of the said wards of St. Matthew and St. Mark, under the statutes in that behalf, providing for filling vacancies occurring during the year; and the trustees elected at such election, shall serve as separate school trustees on the separate school board for the city of Toronto; one for each of the said wards for the balance of the current year; and one for each of the said wards for the current year and one year thereafter, the order of their retirement to be determined by lot between them, and recorded by the secretary of the said separate school board at the first meeting thereof, to be held after such election shall have taken place.

(2) All the lands, property, and effects which belonged to or were vested in the separate school trustees of section number twenty-two, in the township of York, or in

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the separate school trustees of section number six, in the township of York, are hereby vested in, and declared to be the property of, and to belong to the separate school board of the city of Toronto, subject to any liabilities existing against the said properties, or any debenture or other securities issued in respect thereof, and for which said school boards or any of them, before the passing of this Act, were responsible.

(3) Whereas the annexation of the village of Yorkville (now the ward of St. Paul) to the city of Toronto, deprived said school section number one of the support of Roman Catholics resident in the said ward; and whereas said school section, before such annexation incurred a debt which is still outstanding for the erection of a school-house, the board of trustees of the Roman Catholic separate schools for the city of Toronto, is hereby empowered to make an agreement to pay to the said section number one, an annual sum for a term of years, but not exceeding the term that said school section continues to maintain the school-house so erected.

(4) The election held in the year 1883 of trustees in the ward of St. Paul for the board of trustees of the Roman Catholic separate schools for the city of Toronto, is hereby confirmed. 47 V. c. 59, s. 5.

* * * * *

3. PARKDALE.

52 Vict. c. 73 (Ont.)

An Act respecting the City of Toronto.

[Assented to 23rd March, 1889].

18. The city of Toronto shall pay to the present inspector of public schools for the county of York the sum of \$500 towards compensation for loss of salary resulting from the said annexation of the town of Parkdale (c). 52 V. c. York, 73, s. 18.

19. * * * No act, deed, resolution or by-law of the public school board of Parkdale, made, done or passed since [the 7th day of March, 1889] imposing any new liability upon the public school funds at the disposition of the board of Parkdale not binding unless ratified

(c) Representation of Parkdale on school board on annexation of the town to the city. See 52 V. c. 73, s. 12 (2) p. 312.

by school
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Toronto.

of said board, or whereby any of said funds would become payable to any person shall have any force, validity or effect after the passing of this Act until ratified by resolution of the public school board of the city of Toronto. 52 V. c. 73, s. 19, *part*.

* * * * *

55 Vict. c. 90 (Ont.)

An Act respecting the City of Toronto.

[Assented to 14th April, 1892.]

* * * * *

School property of Parkdale vested in Toronto School Board. 7. All property, both real and personal, owned by and standing in the name of the Parkdale Public School Board, at the date of the annexation of the town of Parkdale to the city of Toronto, by virtue of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73, is hereby declared to have passed under the said Act to, and the same is hereby vested in the Toronto Public School Board for all the estate, right, title and interest of the Parkdale Public School Board therein. 55 V. c. 90, s. 7.

* * * * *

SEWERS.

See GARRISON CREEK AND ROSEDALE CREEK SEWERS.

SHERIFF.

See GAOL.

STREET RAILWAYS.

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1. TORONTO STREET RAILWAY COMPANY.**24 Vict. c. 83.**

An Act to Incorporate the Toronto Street Rail-
way Company.

[Assented to 18th May, 1861.]

Effete.

32 Vict. c. 81 (Ont.)

An Act for the relief of the Toronto Street Railway
Company, and to provide for the Sale of their
Railway, and for other purposes.

[Assented to 23rd January, 1869.]

Effete.

36 Vict. c. 101 (Ont.)

An Act to remove certain doubts as to the Powers
of the Proprietors of the Toronto Street Rail-
way Company, and to Incorporate them and
others under the name of "The Toronto Street
Railway Company," and for other purposes.

[Assented to 29th March, 1873.]

Effete.

40 Vict. c. 85 (Ont.)

An Act respecting the Toronto Street Railway Company.

[Assented to 2nd March, 1877.]

Effete.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

Effete.

47 Vict. c. 77 (Ont.)

An Act to authorize the Toronto Street Railway Company to issue Mortgage Debentures, and for other purposes.

[Assented to 25th March, 1884.]

Effete.

49 Vict. c. 80 (Ont.)

An Act to amend the Acts relating to the Toronto Street Railway Company.

[Assented to 25th March, 1886.]

Effete.

52 Vict. c. 73 (Ont.)**An Act respecting the City of Toronto.***[Assented to 23rd March, 1889.]*

* * * * *

13. The corporation of the city of Toronto may, with the consent of the ratepayers, borrow from any bank or other corporation or person who may be willing to lend the same, whatever sum may be required to enable the said corporation to acquire the ownership of the railways of the Toronto Street Railway Company and of all real and personal property in connection with the working thereof, at the expiration of the current term of the franchise of the said company, under the agreement in that behalf between the said city and the said company, and may, if necessary, issue debentures therefor, and may manage and operate the said railways, or (having acquired the said property), may sell, lease or otherwise dispose of the same to any one or more persons, firms or corporations, on such terms and for such periods as may be agreed upon between the city and said persons, firms or corporations. 52 V. c. 73, s. 13.

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53 Vict. c. 105 (Ont.)**An Act respecting the City of Toronto.***[Assented to 7th April, 1890.]*

* * * * *

1.—(1) The power conferred upon the corporation of the city of Toronto by section 13 of the Act passed in the 52nd year of Her Majesty's reign, and chapter 73, to borrow, with the consent of the ratepayers, whatever sum may be required to enable the said corporation to acquire the ownership of the railways of the Toronto Street Railway and all real and personal property in connection with the working thereof at the expiration of the current term of the franchise of the said company, shall not be subject to the limitation of the borrowing powers of the said city, contained in the first section of the Act passed in the 52nd year of Her Majesty's reign, chaptered 74, or to any limitation whatever; and the said corporation may also borrow, with the consent of the ratepayers, whatever sum may be required to manage and operate the said railway.

2. The word "ratepayers" in the said section shall mean ratepayers entitled to vote on money by-laws, and the said consent may be given by a vote upon a question to be submitted to such ratepayers without a by-law, and without specifying the sum to be borrowed, and such vote shall be taken before any application is made for an order for possession as hereinafter provided. (a) 53 V. c. 105, s. 1.

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53 Vict. c. 127 (Ont.)

An Act respecting the Toronto Street Railway Company.

[Assented to 7th April, 1890.]

Effete.

2 TORONTO RAILWAY COMPANY.

55 Vict. c. 99 (Ont.)

An Act to incorporate the Toronto Railway Company and to confirm an agreement between the Corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth.

[Assented to 14th April, 1892.]

Preamble.

WHEREAS George W. Kiely, of the city of Toronto, esquire, William McKenzie, of the city of Toronto, contractor, Henry A. Everett, of the city of Cleveland, in the state of Ohio, secretary of the East Cleveland Railway Company (Electric), and Chauncey C. Woodworth, of the city of Rochester, in the state of New York, esquire, have by their petition prayed for an Act of incorporation for the purpose of enabling the company so to be incorporated to acquire and take over from them the contract or agreement made by and between the city of Toronto and the said petitioners, bearing date the first

(a) The remaining sections of this Act are *effete*.

day of September, 1891, to the end, intent and purpose that the said company may carry out the said agreement with the said city of Toronto for the purchase of the street railways and properties and the street railway privilege of and belonging to the said city of Toronto and may work the said railways, and have also prayed that the said agreement may be confirmed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

. 1. The agreement between the corporation of the city Agreement of Toronto and the said George W. Kieley, William Mc-confirmed. Kenzie, Henry A. Everett and Chauncey C. Woodworth, hereinafter called "the purchasers," and the conditions and tenders therein referred to and incorporated therewith which are fully set forth in the schedule "A" to this Act, are hereby declared to be valid and legal and to be binding upon the said parties thereto and it is hereby declared that under the said agreement the purchasers acquired and are entitled to the exclusive right and privilege of using and working the street railways in and upon the streets of the said city of Toronto, except that portion of Yonge street, north of the Ontario and Quebec Railway, and that portion of Queen street (Lake Shore road) west of Dufferin street, and that the purchasers acquired and are entitled to such right and privilege (if any) over the said excepted portions of Queen street and Yonge street as the corporation of the city of Toronto had at the time of the execution of the said agreement power to grant for a surface street railway for the full period of thirty years from the first day of September, 1891, on all days except Sundays and no longer, but subject, nevertheless, to all the conditions, provisos and restrictions in the said agreement expressed or contained, and as hereinafter mentioned. Provided always that nothing contained in this Act nor the confirmation of the said agreement shall limit, interfere with, affect or prejudice the rights and privileges (if any), of the corporation of the county of York, or of the Toronto and Mimico Electric Railway and Light Company (Limited), over the said portion of Queen street (Lake Shore road) or of the corporation of the county of York, or the Metropolitan Street Railway Company of Toronto over the said portion of Yonge street, as they exist at the time of the passing of this Act; provided that notwithstanding anything in said schedule or in this Act contained, no street car shall run on the Lord's Day, and further provided that nothing herein contained shall prevent the operation of any law which may hereafter be passed by this legislature authorizing the running of street cars on said day. But nothing herein contained shall extend to prohibit the doing of any act which is not a contravention of the revised

statute chapter 203, intituled an *Act to prevent the profanation of the Lord's Day*, if and when such Act shall have been approved of by the citizens by a vote taken on the question as provided by the said agreements. 55 V. c. 99, s. 1.

Incorporation.

2. The said purchasers together with such other persons or corporations as shall become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic by the name of "The Toronto Railway Company," hereinafter called "The Company." 55 V. c. 99, s. 2.

Company empowered to purchase railway.

3. (1) The company is hereby authorized and empowered to contract and agree with the purchasers and such other person or persons (if any) who may be interested with them in the said agreement for the purchase thereof and of all the said properties, rights and privileges, and the company may, on the grant and assignment thereof to it, take and hold the same, and the company shall thereupon and thereby have vested in it all the right, title, interest, property, claim, demand and privilege of the purchasers subject, however, to all the liens, charges and obligations upon which the same were held by the purchasers.

(2) The company may grant and issue its shares as paid-up shares in payment or on account of payment of the price agreed to be paid to the purchasers for their rights under the said contract or may give them credit on their subscriptions for shares on account thereof. 55 V. c. 99, s. 3.

Powers of company.

4. (1) After the said agreement has been duly assigned to the company, it shall, subject to the provisions and conditions contained therein, have full and exclusive power to acquire, construct, complete, maintain and operate on all days except Sundays, and from time to time remove and change, a double or single track street railway, with the necessary side-tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon or along all or any of the said streets or highways of the city of Toronto, subject to the exceptions and under the qualifications contained in first section hereof, and to take, transport and carry passengers upon the same by the force and power of animals, electricity or other motive power, in accordance with the terms of, and subject to the provisions of the said agreement, and to construct and maintain and from time to time alter, repair and enlarge all necessary and convenient works, stations, buildings and conveniences therewith connected or required for the due and efficient working thereof, and to purchase, acquire, construct or manufacture all engines, carriages, cars and other machinery and contrivances

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necessary for the purposes of the undertaking, and shall have full power to carry out, fulfil and execute the said agreement and conditions.

(2) If the city of Toronto desire to exercise the right of taking over the property necessary to be used in the working of the railways at the termination of the said period of thirty years it shall, not less than twelve months prior thereto, give to the purchasers or the company, as the case may be, notice of its intention so to do.

(3) After the said city of Toronto shall have given notice of its intention to take over the said property, it may at once proceed to arbitrate under the conditions in that behalf and both the city and the purchasers or the company, as the case may be, shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible, to make their award not later than the time named by the city for taking over the said property. But if from any cause the award shall not be made by such time or if either party be dissatisfied with the award, the city may nevertheless take possession of the said railways and all the property and effects thereof real and personal necessary to be used in connection with the working thereof on paying into court either the amount of such award, if the award be made, or if not upon paying into court or to the purchasers or company, as the case may be, such sum of money as a judge of the High Court of Justice may, after notice to the opposite party, order and upon and subject and according to such terms, stipulations and conditions as the said court shall by its order direct and prescribe, provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby. In determining such value the rights and privileges granted by the said agreement and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, equipments, and works connected with and necessary to the operation of the railways which is not to include any land, property or rights acquired or used in connection with the said street railway, and which do not actually form a part of the said street railway undertaking necessary to the carrying on of the same.

(4) In arriving at such value the arbitrators are to consider and award only the value of the said several particulars to the city at the time of the arbitration, having regard to the requirements of a railway of the best kind and system then in operation and applicable to the said city.

(5) In the event of the city, at the expiration of the thirty years in the first section of this Act mentioned, not exercising its right to take over the real and personal property necessary to be used in connection with the working of the said railways, the city may, at the expiration of any succeeding year thereafter, exercise such right upon giving not less than six months' notice to the company, and the privileges of the company shall continue until the city exercises such right; provided always that whenever the city shall exercise such right of taking over the said property the provisions for determining the value thereof herein contained shall apply in the same manner as if the city had exercised its right at the expiration of the said period of thirty years. 55 V. c. 99, s. 4.

Power of company as to acquiring land.

5. The company shall have power and authority to purchase, hold and take by purchase of any corporation or person any lands or other property necessary for the construction, maintenance, accommodation and use of the undertaking, and also to alienate, sell or dispose of the same, but all such lands within the city of Toronto shall be held subject to the conditions of the said agreement. 55 V. c. 99, s. 5.

Company authorized to enter into agreement with city.

6. (1) The company is hereby authorized to enter into and execute a contract or agreement with the corporation of the city of Toronto for the purpose of assuming the contract and the covenants, agreements and obligations which the said purchasers in and by their said agreement with the said city of Toronto agreed to do, perform, fulfil and execute; and upon such agreement, which may be in the form and to the effect set forth in schedule "B" to this Act, being executed by the company and delivered to the city, the company shall be substituted for the purchasers and the purchasers shall be for ever freed and discharged of and from all and every covenant, condition and obligation entered into by them in and by the said agreement forming schedule "A" to this Act.

(2) Notwithstanding anything in the said agreement or in this Act contained all school taxes and rates payable by the said company shall be subject to and be governed by the general law respecting school taxes of incorporated companies as to all holders or owners of the stock thereof other than the present owner or holders. 55 V. c. 99, s. 6.

Capital stock.

7. The capital stock of the company shall be \$1,000,000 divided into 10,000 shares of \$100 each. 55 V. c. 99, s. 7.

Head office.

8. The head office of the company shall be in the city of Toronto, in the province of Ontario. 55 V. c. 99, s. 8.

9. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority to open stock-books, and to procure subscriptions for the undertaking, and to call a general meeting of the shareholders for the election of directors, as hereinafter provided; and the said provisional directors, or a majority of them, may, in their discretion, exclude any person from subscribing. 55 V. c. 99, s. 9.

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, whether resident in this province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote equally with British subjects, and shall also be eligible for office as directors of the company. 55 V. c. 99, s. 10.

11. No person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid. 55 V. c. 99, s. 11.

12. When, and so soon as shares to the amount of \$100,000 of the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario, the provisional directors shall call a general meeting of subscribers for the purpose of electing directors, giving at least ten days' notice in the *Ontario Gazette*, and in one newspaper published in the city of Toronto, of the time, place and object of the said meeting; and at such general meeting the shareholders, present, either in person or by proxy, who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect five persons to be directors of the above company in manner and qualified as hereinbefore described; and the sum so paid shall not be withdrawn from the bank, except for the purposes of this Act. 55 V. c. 99, s. 12.

13. Thereafter the general annual meeting of the shareholders of the company for the election of a board of five directors, and the transaction of other business connected with, or incident to the undertaking, shall be held at the head office of the company, or elsewhere as the directors may deem most convenient, on such day and at such hour as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the city of Toronto. 55 V. c. 99, s. 13.

Special general meetings.

14. Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the laws of the company upon such notice, as is provided in the last preceding section. 55 V. c. 99, s. 14.

Management of company.

15. The affairs of the company shall be managed by the board of directors, a majority of whom shall constitute a quorum. 55 V. c. 99, s. 15.

Incorporation of Rev. Stat. c. 171, s. 16, sub-s. 1, 2, and 3.

16. Sub-sections 1, 2 and 3 of section 16. of *The Street Railway Act* are hereby incorporated herein and made part of and are to be considered as sections of this, Act and are to apply to the acquisition by the company of sites for power, buildings, and other necessary privileges. 55 V. c. 99, s. 16.

Fares.

17. The fare of every passenger shall be due and payable on entering the car or other conveyance of the company, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested so to do, shall be liable to a fine of not more than \$10, beside costs, and the same shall be recoverable before any justice of the peace. 55 V. c. 99, s. 17.

Certain provisions of Rev. Stat. c. 170, incorporated.

18. Section 34 (except so much of sub-section 15 thereof as is prohibitive of a person being chosen a director by reason of his holding any office, place or employment in the company), sections 35, 36, 37, 38 and 42 of *The Railway Act of Ontario*, shall be incorporated with and be deemed and taken to be clauses or sections and parts of this Act, and shall apply to the company when not inconsistent with the provisions herein and wherever in the said sections of *The Railway Act* the words "special Act" occur they shall mean this Act. 55 V. c. 99, s. 18.

Power to operate street railways.

19. (1) The company shall have power by and with the consent of any of the local municipal corporations in the county of York to acquire periods to build and operate surface railways on all days except Sundays within the limits of such municipalities, over roads within their jurisdiction by electric or other motive power, and upon such terms and conditions and for such periods, but not to extend beyond the 31st day of August, 1921, as may be agreed upon between the company and such local municipal corporation, subject to the rights and periods which any other company or corporation may be entitled to for or in respect of a surface street railroad within the limits of the said municipality.

(2) And the said local municipal corporations respectively are hereby authorized and empowered to make and enter into such agreements.

(3) Upon the acquisition of such privilege the company shall have power to construct, build and operate a railway or railways in such municipality or municipalities, over roads within their jurisdiction, in respect of which such privilege has been acquired, subject to the terms and conditions that may be contained in any such agreement or agreements and subject as aforesaid.

(4) Provided always that if any such local municipality or any part thereof shall be annexed to the city of Toronto during the said period of thirty years or any extension thereof as hereinbefore provided the railway or railways belonging to the company constructed within the said local municipality or such part thereof as may be annexed as aforesaid and the working thereof and the company in relation thereto shall have all the rights conferred by and be subject to all the terms and conditions of the said agreement (being schedule "A" to this Act) and shall be released and discharged from all agreements, covenants and conditions to the said local municipality so far as the said railway or railways are within the said city. 55 V. c. 99, s. 19.

20. The company shall also have power to enter into agreements with any other company or corporation owning a privilege for the operation of a surface railway within the limits of the said local municipalities to acquire or lease any such privilege, or to make traffic or operating arrangements with any such company or corporation upon such terms and conditions as the board of directors of the contracting companies or corporations may fix and agree, but every such agreement or arrangement must be sanctioned at a special general meeting of the shareholders of the company called for the purpose of considering the same by a vote of at least two-thirds in value of all the shareholders of the company. 55 V. c. 99, s. 20.

Agreement
with other
companies.

21. The company shall also have power by and with the consent of the councils of the respective municipalities to acquire and hold any lands or premises or any estate or interest therein for park or pleasure grounds, and for no other purpose within the limits of the city of Toronto or any of the said local municipalities, and the said company is authorized to improve and lay out such lands or premises for parks or places of public resort, to be used on all days except Sundays, and to mortgage or lease the said lands or premises or any portion thereof as they may think expedient, and to sell from time to time such portions of such lands as they may deem unnecessary for the said purposes.

Acquiring
lands for park
purposes.

(1) Provided always that the land to be held as aforesaid, shall not exceed 300 acres, and not more than 100 acres in one locality; and it is hereby declared that any land or premises, estate, or interest therein which may be acquired

by the company under the provisions of this section, shall not be property which the city in taking over the real and personal property of the company at the expiration of the said period of thirty years, or any extension thereof shall be bound to acquire. Provided, moreover, that the company shall not under this section have power to acquire any lands after the lapse of seven years after the passing of this Act; and provided also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company. 55 V. c. 99, s. 21.

**Bonding
powers.**

22. (1) The directors of the company, under the authority of the shareholders, to them given at any special general meeting called for the purpose and in the manner provided by this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures, or other securities signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case, the expiration of thirty years from the first day of September, 1891, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors think proper:—

- (a) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions, which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn, or paid off and duly cancelled.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company,

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present or future or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

- (a) By the said deed, the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(3) The bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under the said agreement by this Act confirmed and the undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section:—

And save and except the bonds or debentures for \$600,000 issued by the Toronto Street Railway Company referred to in the said agreement so far as the same are now a charge on the undertaking and subject to the charges in favour of the city provided by the said agreement.

- (a) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general

meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. 55 V. c. 99, s. 22.

23. The issue of bonds, debentures or other securities by this Act authorized, shall not exceed the sum of \$35,000 for each mile of street railway track constructed or under contract for construction at any time; inclusive of their tracks constructed or under contract for construction over any lands acquired or which may be acquired for the purposes thereof, and also of their tracks constructed or under contract for construction authorized by section 19 of this Act: Provided that such bonds, debentures or other securities shall not in any way interfere with or prejudice the right of the city in case it chooses to exercise its right to take over the undertaking in pursuance and on the terms of the said agreement in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the city therefor. 55 V. c. 99, s. 23; 56 V. c. 101, s. 1.

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24. (1) Whereas among the terms embodied in the conditions referred to in the said agreement it is stipulated that the purchasers are to satisfy the treasurer of the said city that means are provided for meeting the payment of such bonds or debentures as the company may issue at the maturity thereof, and it is expedient to substitute in lieu of such stipulations the following provision:—It is therefore enacted that the net proceeds of all or any of such bonds or debentures issued in pursuance of the power by this Act conferred shall be laid out and expended in the purchase or acquisition of the rails, rolling stock, motor, buildings and lands required therefor, and other necessary plant, fixtures and materials, and in the laying of such rails and erection of such plant, and in execution and fulfilment of the conditions of the said contract or agreement for the change of the system entered into by the said purchasers to be assumed by the company as hereinbefore provided, and in carrying out and completing the undertaking, and in the acquisition of such privileges and the construction of such lines and works as may be required to enable the company to run their cars to points beyond the limits of the city of Toronto, provided that the aggregate distance of such points from said limits shall not exceed fifteen miles and that no one part of such aggregate shall exceed five miles; but the proceeds of such bonds shall not be devoted to the acquisition of the privileges owned by any other company or corporation for the operation of surface railways in the county of York, without the consent first obtained in writing of the trustees to be named in the mortgage deed. Nothing herein contained shall impair or affect the rights of the said city or the obligations of the company under section 16 of the agreement, forming schedule A. to the Act. 55 V., c. 99, s. 24, sub-s. 1; 56 V. c. 101, s. 2.

(2) It is hereby declared that all the bonds, debentures, or other securities, at any time issued by the said company, shall forthwith, after the issue thereof, be handed over to trustees to be named in the mortgage deed, which, under the provisions of the twenty-second section of this Act the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and shall only apply the same from time to time under the provisions of sub-section 1 of this clause, and as such payments may be earned by the actual expenditure of money for the purposes therein set forth and in discharge of the said \$600,000 of bonds or debentures. 55 V. c. 99, s. 24, sub-s. 2.

25. And whereas doubts have arisen as to the construction and effect of sections 21 and 22 of the said conditions, it is hereby declared and enacted that the said company shall not deposit snow, ice or other material upon any

street, square, highway or other public place in the city of Toronto without having first obtained the permission of the city engineer of the said city or the person acting as such. 55 V. c. 99, s. 25.

Negotiable
instruments.

26. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 55 V. c. 99, s. 26.

Meaning of
"street,"
"the lands,"
"the under-
taking."

27. In this Act "street" shall include any highway; "the lands" shall mean the lands which by the special Act are authorized to be taken and used for the purpose thereof; "the undertaking" shall mean the railway, and works of whatever description, by the special Act authorized to be executed. 55 V. c. 99, s. 27.

SCHEDULE "A".

(Section 1.)

This Indenture made (in triplicate) the first day of September, one thousand eight hundred and ninety-one.

Between the corporation of the city of Toronto, hereinafter called the "corporation," of the first part; and George Washington Kiely, of the city of Toronto, esquire; William McKenzie, of the city of Toronto, contractor; Henry Azariah Everett, of the city of Cleveland, in the state of Ohio, secretary of the East Cleveland Railway Company, electric, and Chauncey Clark Woodworth, of the city of Rochester, in the state of New York, esquire, hereinafter called "the purchasers," of the second part.

1. Whereas by virtue of an Act of the legislature of the Province of Ontario, being 52 Victoria, chapter 73, intitled *An Act respecting the city of Toronto*, the corporation of the city of Toronto was empowered, after having

acquired the ownership of the railways of the Toronto Street Railway Company, and all the real and personal property in connection with the working thereof, to sell, lease, or otherwise dispose of the same to any one or more persons, firms or corporations, on such terms and for such periods as might be agreed upon between the city and the said persons, firms or corporations.

2. And whereas under and by virtue of another Act of the said legislature, being 53 Victoria, chapter 103, the said corporation was empowered to proceed to arbitration under the 18th resolution of the agreement therein referred to in order to determine the value to be paid by the said corporation to the Toronto Street Railway Company for the said railways and the said real and personal property.

3. And whereas the corporation proceeded with the said arbitration, and an award was duly made therein on the 15th day of April, A.D. 1891, whereby the said value was determined to be the sum of \$1,453,788 inclusive of certain outstanding debentures charged upon the said undertaking to the amount of \$600,000.

4. And whereas the corporation paid into the High Court of Justice, Chancery Division, the amount of the said award and acquired the said railways and property and is now in possession and full enjoyment thereof.

5. And whereas the said corporation resolved to sell the said railways and all the property so acquired by the city from the Toronto Street Railway Company, and also to dispose of the right to operate surface street railways in the city of Toronto, as hereinafter mentioned, as more fully appears from the said award and from the conditions, tender and by-law which are annexed to this agreement and made part and parcel thereof.

6. And whereas the corporation advertised for tenders for the purchase of the said railways, property and privilege, and the purchasers (Kiely, McKenzie & Everett), tendered therefor, and their said tender was duly accepted by the said corporation.

7. And whereas a by-law authorizing the execution of an agreement between the corporation and said purchasers was duly passed by the said corporation on the 27th day of July, A.D. 1891, in pursuance whereof this agreement has been duly prepared and approved.

8. And whereas the said purchasers have associated with them the said Chauncey C. Woodworth as a partner in the said undertaking.

9. And whereas the value of the horses, cars, harness, stock and other movable property and effects referred to in the fifth paragraph of the said conditions and payable in cash has been settled for the purposes of this agreement at the

sum of \$475,000, and it has been agreed by and between the said parties that a first lien or charge shall be created by these presents upon all the property which is the subject of this agreement, and shall be held by the corporation thereon for the balance (namely, for the sum of \$378,788 and interest), of the amount of the said award, subject only to the charge created by the said debentures to the extent of \$600,000 with interest.

10. Now this indenture witnesseth that the said corporation, in consideration of the said sum of \$475,000 now paid by the purchasers to the corporation (the receipt whereof is hereby acknowledged) and of the premises, doth by these presents in pursuance of all the powers in that behalf enabling it so to do sell, grant and assign to the purchasers, their heirs, executors, administrators and assigns, all the said railways and property acquired by the corporation from the Toronto Street Railway Company as aforesaid under and in pursuance of the said arbitration and award; and also all the extensions, additions and renewals to the said railways and property, real and personal, made by the corporation during its ownership of the railway; subject to the said outstanding debentures and to the said charge above referred to, and to all the conditions herein mentioned. To have and to hold to the purchasers, their heirs, executors, administrators and assigns, to their sole and only use, subject as aforesaid.

11. And this indenture further witnesseth that the corporation for the considerations aforesaid doth by these presents, in pursuance of all the powers in that behalf enabling it so to do, grant unto the said purchasers, their heirs, executors, administrators and assigns for a period of twenty years from the date of these presents (which period shall be renewed for a further term of ten years, and no longer, in the event of legislation being obtained to enable this to be done, the said corporation hereby undertaking at once on request being made by the said purchasers to aid in procuring the needed legislation to authorize such renewal for such further period of ten years) the exclusive right for the said period of twenty years and the said extended period of ten years, in the event of the said needed legislation being obtained, and no longer, upon the aforesaid conditions to operate surface street railways in the city of Toronto, excepting on the Island and on that portion, if any, of Yonge street from the Ontario and Quebec railway tracks to the north city limits over which the Metropolitan Street Railway claims an exclusive right to operate such railways, and the portion, if any, of Queen street west (Lake Shore road) over which any exclusive right to operate surface street railways may have been granted by the corporation of the county of York, and also the exclusive right for the same term to operate surface street railways

over the said portions of Yonge street and Queen street west (Lake Shore road) above indicated so far as the said corporation can legally grant the same; but this clause, and nothing contained in this agreement shall give or be construed to mean or give to the purchasers the power to engage in any other business than that of operating surface street railways as herein permitted.

12. And it is mutually understood, declared and agreed by and between the corporation and its successors and the purchasers, their heirs, executors, administrators and assigns, that the said award, conditions, tender and by-law so attached hereto as aforesaid are incorporated with these presents and made part and parcel thereof, and the said parties mutually and respectively covenant, promise and agree with each other to carry into effect, observe, perform and fulfil all the provisions and stipulations therein contained and to be carried into effect, observed, performed and fulfilled by the said parties and their aforesaid respectively.

13. And the said purchasers for themselves, and each of them for himself, and for their and each of their heirs, executors, administrators and assigns, covenant, promise and agree with the corporation, their successors and assigns, as follows: that they will fulfil all the conditions, stipulations and undertakings in this agreement contained, it being understood that the reference to particular matters to be performed by the purchasers shall not diminish or limit the obligations of this agreement.

14. The said purchasers and their aforesaid covenant as aforesaid with the said corporation that they will pay to the said corporation the said sum of \$378,788 being the balance of the said award in four equal quarterly payments on the first days of December, March, June and September next, or the first juridical day thereafter, respectively, with interest at the rate of five per cent. per annum from the date of this agreement, on the amount thereof then remaining unpaid.

15. And that they will yearly and every year during the term covered by this agreement pay to the corporation through its city treasurer the sum of \$800 per annum per mile of single track, \$1,600 per mile of double track, occupied by the rails of the said railways within the said limits (not including turnouts, the length of which are to be approved of by the City Engineer), in four equal quarterly instalments on the first days of January, April, July and October in each year, or on the first juridical day thereafter respectively, the first instalment to be the proportionate part of the quarterly instalment accruing from the date of these presents to the first day of October next.

16. And that they will monthly, and every month during the term covered by this agreement, on the first Monday

of each month pay to the corporation through its city treasurer, the percentages in the said conditions and tender referred to, being the following percentages of the gross receipts from passenger fares, freight, express and mail rates, and all other sources of revenue derived from the traffic obtained by the operation of the said railways, namely:—

On all gross receipts up to \$1,000,000 per annum,	8%
Between \$1,000,000 and 1,500,000	10%
" 1,500,000 and 2,000,000	12%
" 2,000,000 and 3,000,000	15%
And on all gross receipts over 3,000,000	20%

17. And it is further understood, declared and agreed between the parties to these presents, that should the corporation within a reasonable time eliminate from clause 31 of the said conditions, the provision requiring a class of tickets to be sold at the rate of 8 tickets for 25 cents, for use during certain specified hours of the day, then, and in that event, the said purchasers for themselves, their executors, administrators and assigns, covenant, promise and agree with the corporation and their successors that they will in accordance with their said tender in that behalf pay to the corporation and its successors during the unexpired period of the said term covered by this agreement two (2) per cent. of the said gross receipts, in addition to the percentages hereinbefore mentioned, such additional percentages to be payable monthly as aforesaid.

18 The purchasers, in addition to the other considerations payable to the corporation for the said railways and property, shall pay to the corporation the following items, viz.:—

(1) The actual cost to the corporation of the extensions and additions to the tracks, made by the corporation since the acquisition thereof.

(2) The actual cost to the corporation of additions to plant and materials for the use of the said railway handed over to the purchasers.

(3) The actual cost to the corporation of the new horses purchased since the railway has been acquired.

(4) One-half of the actual cost to the corporation of the painting, renovating and other repairing done to the cars, plant and appliances of the railway since the acquisition thereof from the said street railway company.

19. The purchasers covenant that they will well and truly pay to the holders of said hereinbefore mentioned debentures as they mature the said sum of \$600,000, thereby secured and interest thereon from the date of these presents, and will indemnify and save harmless the corporation from all claims and demands in respect thereof.

20. That they will build and equip or cause to be built and equipped a car factory, within the limits of the city of Toronto, for the manufacture and repair of all the cars and railway plant used on the said railways, and will there continuously carry on, or cause to be carried on, such business, and the manufacture and repair of all the said cars and railway plant during the term covered by this agreement, and that the performance of this clause may be specifically enforced by the order and injunction of the High Court of Justice.

21. And it is hereby agreed that all the said railway property liable to be assessed for school purposes, shall be assessed for public school purposes, and that the rates levied in respect thereof, shall be payable to the public school funds of the city of Toronto.

22. And it is further understood, declared and agreed between the said parties to these presents that the delivery over and acceptance of the said property shall not interfere with the rights of the parties under clause three of the said conditions, but that notwithstanding this Act the judge of the county court of the county of York shall settle any difference that may arise between the parties in respect thereof, and the sum so settled by him shall be forthwith paid by the party liable to the party to whom the same is found due.

23. And it is further understood, declared and agreed by and between the said corporation and the said purchasers that if the said purchasers form a joint stock company for the purpose of carrying this agreement into effect then, upon payment of the said sum of \$378,788, and interest as aforesaid, the said company shall, upon executing the necessary contract of substitution be substituted for the said purchasers, and the said clause 23 of the said conditions shall apply to such company so to be formed as aforesaid, and shall cease to apply to the individual purchasers who shall thenceforward be discharged from all individual liability in the premises.

24. And it is further declared, covenanted and agreed by and between the parties to these presents that all the property the subject of this agreement is hereby charged with the payment of all the moneys to be paid under this agreement as the purchase money of the said property.

25. And it is further covenanted and agreed by and between the parties to these presents that the payment of the said gross percentages monthly, and mileages quarterly, and the fulfilment of the obligations of the said conditions shall be a lien and charge on the said railways and the property used in the working thereof both before and after the incorporation of the said company intended to be substituted as aforesaid in the place of the said purchasers, but

this provision shall not interfere with the right of such purchasers or of the said company after the payment of the purchase moneys as aforesaid to sell and dispose of any property which is not required for the operation of the said railways; all the property however which replaces that which may be sold or disposed of is to be charged under this clause as the original property is now hereby charged, and all after acquired property is to be in the same manner charged for the fulfilment of the said obligations.

26. And it is further covenanted and agreed by and between the parties to these presents, that a sufficient supply of each of the classes of tickets mentioned in the said conditions, shall at all times be kept for sale, and sold to all persons desirous of purchasing the same, on all cars, while running through the streets of the city, and also at the public offices of the purchasers.

27. And it is further understood, declared and agreed by and between the said parties that in fixing the allowance to be made for horses which have been sold by the corporation and therefore not forthcoming under the provision in clause 3 of the said conditions, the corporation shall only be liable to account for and pay the price realized on such sales.

28. And it is further understood, declared and agreed by and between the said parties that the system of accounts and bookkeeping to be adopted by the purchasers shall be subject to the approval of the city treasurer and the auditors appointed by the city.

29. And, it is further covenanted and agreed between the parties to these presents that all conveyances, assurances and instruments necessary to carry out fully these presents shall from time to time be executed by the parties hereto, the same to be settled by James S. Cartwright, Q.C., registrar of the Queen's Bench Division of the High Court of Justice in case the parties differ about the same.

30. All outstanding car-fare tickets issued by the corporation or by the Toronto Street Railway Company prior to the date hereof shall be accepted as fares by the purchasers when presented by passengers on the conveyances of the said railway subsequent to the date hereof; and the corporation agrees that upon such tickets being returned to it from time to time, it will pay to the purchasers the same prices therefor for which such tickets were issued by the corporation and the said Toronto Street Railway Company respectively.

In witness whereof the said corporation has hereto affixed its corporate seal, under the hand of Edward

Frederick Clarke, Esquire, mayor of the said city, and Richard Theodore Coady, Esquire, city treasurer and keeper of the said seal, and the said purchasers have set their respective hands and seals.

Signed, sealed and delivered in the presence of	{	E. F. CLARKE,	{
		THOMAS CASWELL,		Mayor.
		GEO. KAPPELE.	R. T. COADY,
			Treasurer.
		G. W. KIELY,	{
		WILLIAM MCKENZIE,	
		By his Attorney.	
		Nicol King'smill.	
		H. A. EVERETT,	{
		C. C. WOODWORTH.	

THE AWARD, CONDITIONS, TENDER AND BY-LAW.

Referred to in the agreement hereto attached, dated the first day of September, 1891, between the corporation of the city of Toronto and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth.

Conditions of sale of the Street Railway Franchise of the city of Toronto, as adopted by the City Council, May 5th, 1891.

1. The privilege to be disposed of is the exclusive right (subject as hereinafter provided) to operate surface street railways in the city of Toronto—excepting on "the Island" and on that portion (if any) of Yonge street, from the Ontario and Quebec railway tracks to the north city limits, over which the Metropolitan Street Railway Company claims an exclusive right to operate such railways, and the portion (if any) of Queen street west (Lake Shore road) over which any exclusive right to operate surface street railways may have been granted by the corporation of the county of York—for a period of twenty years, which shall be renewed for a further period of ten years in the event of legislation being obtained to enable this to be done; and the city will assist in endeavouring to secure such legislation.

(a) Over those portions of Yonge street and Queen street west (Lake Shore road) above indicated, the purchaser shall have an exclusive right to operate surface street railways, so far as the city can legally grant the same.

2. The party whose tender is accepted (and who is herein called "the purchaser") must take over all the property to be acquired by the city from the Toronto Street Railway Company, as it stands on the date of the acceptance of the

tender, including the rails, points and substructures of all tracks now laid, real estate, buildings, shops, rolling stock, horses, machinery stock and all other articles covered by the award of the board of arbitrators at the amount of said award.

3. Particulars of the said property are set forth in the schedule attached to the award of the said board of arbitrators; but the city will only undertake as to the tracks actually constructed and the real estate, buildings and shops that all of the articles mentioned in said schedule, will be forthcoming.

(a) The city will convey and deliver to the purchaser, and the purchaser shall take over and pay for all the property and effects (whether mentioned in said schedule or otherwise) which the city acquires from the Toronto Street Railway Company under the said award; and if anything mentioned in said schedule is not forthcoming, or if anything is acquired by the city, as aforesaid, which is not specified in said schedule, the purchase money to be paid as herein provided, shall be subject to such increase or abatement as may be agreed upon between the city and the purchaser, or (in case they fail to agree within ten days after acceptance of tender) as shall be fixed by the judge of the county court of the county of York, who is hereby appointed sole arbitrator for that purpose, with all the powers of arbitrators appointed under the sections of *The Municipal Act* relating to the appointment of arbitrators.

4. The purchaser must accept the title to the above properties which the city acquires or will acquire by virtue of the award of the arbitrators, and must search the same at his own expense, and the city is not to be bound to produce or shew any documents or evidences of title except such as are in its possession or power.

5. The sum tendered for the above properties, except horses, cars, harness, stock and other movable properties and effects (which are to be paid for in cash at the time the contract is entered into) may either be paid in cash or secured to the satisfaction of the city treasurer, and paid in four equal quarterly payments, counting from the date of contract, and bearing interest at the rate of five per cent. per annum from May 16th, 1891, till paid.

N. B.—There is outstanding \$600,000 debentures issued under the authority of the Act 47 Vict. (Ont.) cap. 77, bearing interest at six per cent. per annum, payable half-yearly, and forming a charge upon the undertaking as in said Act is provided. These debentures do not mature until 1914. The purchaser takes the property subject to this charge, and also to certain existing mortgages amounting to about \$40,000, and assumes payment of these with the interest accruing thereon from date of purchase.

6. The purchaser shall not charge the undertaking with bonds or debenture for a longer period than the term of this contract, and must satisfy the city treasurer that means are provided for meeting such obligations at maturity.

7. At the termination of this contract, the city may (in the event of the council so determining) take over all the real and personal property necessary to be used in connection with the working of the said railways, at a value to be determined by one or more arbitrators (not exceeding three) to be appointed as provided in *The Municipal Act* and the *Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under said Acts, and each party shall bear one-half of the cost of the necessary arbitration at conclusion of term of lease, but the city shall only pay for the land conveyed by them to the purchaser what it is worth without reference to its value for the purpose of operating a street railway or railways.

8. The city will construct, reconstruct and maintain in repair the street railway portion of the roadways, viz, for double track, 16ft. 6in., and for single track, 8ft. 3in., on all streets traversed by the railway system, but not the tracks and substructure required for the said railways.

9. The purchaser shall pay to the city treasurer the sum of eight hundred dollars per annum per mile of single track (not including turn-outs), such sum or sums to be paid in four quarterly instalments, as follows: January 1st, April 1st, July 1st and October 1st of each year, or on the first juridical day after each of the said days respectively, and shall also pay the city treasurer monthly on the first Monday in each month per cent. of the gross receipts from passenger fares, freight, express and mail rates and all other sources of revenue derived from traffic obtained by operation of said street railway system. All books, accounts and vouchers kept by the purchaser shall be subject to monthly audit by auditors, to be appointed by the city council, and all reasonable facilities for such audit shall be afforded by the purchaser.

TRACKS, ETC., AND ROADWAYS.

10. The purchaser shall maintain the ties, stringers, rails, turn-outs, curves, etc., in a state of thorough efficiency and to the satisfaction of the city engineer, and shall remove, renew or replace the same, as circumstances may require, and as the city engineer may direct. When a street upon which tracks are now laid is to be paved in a permanent manner, on concrete or other like foundation, then the purchaser shall remove present tracks and substructures and replace the same according to the best modern practice,

by improved rails, points and substructures of such description as may be determined upon by the city engineer as most suitable for the purpose, and for the comfortable and safe use of the highway by those using vehicles thereon, and all changes in the present rails, tracks and roadbed construction of new lines, or additions to present ones, shall be done under the supervision of the city engineer and to his satisfaction.

(a) In the event of the purchaser desiring to make any repairs or alterations to the ties, stringers, rails, turn-outs, curves, etc., on paved streets, the purchaser shall re-pave the portion of the roadway so torn up at his own expense.

11. When the purchaser desires or is required to change any existing tracks and substructures for the purpose of operating by electric or other motive power approved by the city engineer and confirmed by the city council, the city will lay down a permanent pavement in conjunction therewith upon the track allowance (as herein defined) to be occupied by such new tracks and substructures. This shall first apply only to existing main lines and thereafter to branch lines or extension of main lines and branches, as and when the city engineer may from time to time recommend and the city council may direct and require; but such tracks as are now laid on a permanently formed roadway, must, when so required as aforesaid, be changed by the purchaser as hereinbefore provided, without any change of roadbed being made, or any expense occasioned to the city thereby.

12. The gauge of the system (4 ft. 11 in.) is to be maintained on main lines, and extensions thereof, and branch lines and extensions thereof; and the location of the railway on any street shall not be made by the purchaser or confirmed by the city council until plans thereof, shewing the proposed position of the rails, the style of rail to be used, and the other works in each such street have been submitted to, and approved in writing, by the city engineer.

13. The tracks shall conform to the grades of the streets upon which they are respectively laid, and the purchaser shall not in any way change or alter the same without the written permission of the city engineer.

14. The purchaser will be required to establish and lay down new lines and to extend the tracks and street car service on such streets as may be from time to time recommended by the city engineer and approved by the city council, within such period as may be fixed by by-law to be passed by a vote of two-thirds of all the members of said council, and all such extensions and new lines shall be regulated by the same terms and conditions as relate to the existing system, and the right to operate the same shall terminate at the expiration of the term of this contract.

15. No new lines or extensions of existing lines shall be opened for traffic, until the purchaser has obtained a certificate in writing from the city engineer that the same has been constructed to his satisfaction.

16. The purchaser shall not extend any line of the said railway beyond the limits of the city, or acquire, own, control or operate a line or lines connecting or in conjunction with or adjoining a city line or lines forming practically prolongations thereof, without first having had the plans of the same [as to position, elevation and gradients on the highway or crossings of highways, or until an agreement has been entered into whereby such suburban line or lines will be altered (at purchaser's expense) to conform to the grades established by the city when the streets or routes become city property or within its limits], approved, in writing, by the city engineer, and confirmed by the city council.

17. In case the purchaser fails to establish and lay down any new line, as aforesaid, and to open the same for traffic, or to extend the tracks and services on any street or streets within such period as may be fixed by by-laws of the city council, to be passed as herein provided, the privilege of laying down such new lines or extensions on the street or portion of street so abandoned by the purchaser, may be granted by the said council to any other person or company, and the purchaser shall in such case have no claim against the city for compensation.

18. The city shall have the right to take up and replace the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing or repairing pavements, sewers, drains or conduits, or for laying down or repairing water or gas pipes, and for all other purposes within the powers of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway, or the works connected therewith.

19. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which now has power to open or take up the streets of the city, such rights to be exercised with the permission and under the direction of the city engineer.

20. The purchaser shall, within one year of from the 16th day of May, 1891, discontinue the use of the buildings as stables on Scollard street, and also the buildings on Yorkville avenue.

21. The track allowances (as hereinafter specified), whether for a single or double line, shall be kept free from snow and ice at the expense of the purchaser, so that the cars may be used continuously; but the purchaser shall not sprinkle salt or other material on said track allowances

for the purpose of melting snow or ice thereon without the written permission of the city engineer, and such permission shall in no case be given on lines where horse power is used.

22. If the fall of snow is less than six inches at any one time, the purchaser must remove the same from the tracks and spaces hereinafter defined, and shall, if the city engineer so directs, evenly spread the snow over the adjoining portions of the roadway; but should the quantity of snow or ice, etc., at any time exceed six inches in depth, the whole space occupied as track allowances (viz.: for double tracks, sixteen feet six inches, and for single tracks, eight feet three inches), shall, if the city engineer so directs, be at once cleared of snow and ice and the said material removed and deposited at such point or points on or off the street as may be ordered by the city engineer.

23. If the purchaser becomes bankrupt or insolvent, or makes any assignment for the benefit of creditors, or becomes subject to the operations of any winding-up Act, or allows an execution against his goods or lands to remain in the hands of the sheriff of Toronto unsatisfied for more than ninety days, then and in any such case all the rails, stringers, ties, turnouts, points, sidings, etc., shall become the property of the city without compensation to the purchaser.

24. Electric or other new system of motor, or a combined system, approved by the city engineer and confirmed by the city council as suitable, shall be introduced within one year, and used upon such portions of the following streets as may be required by the city engineer and approved of by the council within three years of the date of contract, viz.: Queen street, from eastern city limit to High Park (or as near thereto as the city may then have power to grant a right to operate a line on said street); King street, from its intersection at Queen street and river Don to intersection with Queen street at Roncesvalles avenue; Front street from Simcoe street to Frederick street; Yonge street, from Front street to Ontario and Quebec Railway tracks; Frederick and George streets, from Front to King street; Sherbourne street, from King street to North drive; Elm avenue, from Sherbourne street easterly to Glen road; Spadina avenue, from King street to Bloor street; Parliament street, from Queen street to Carlton street; Gerrard street, from Greenwoods avenue to Parliament street; Carlton street, from Parliament street to Yonge street; College street, from Yonge street to Jameson avenue, at intersection of Dundas street; Dundas street, from Queen street to the bridge; Bloor street, from Sherbourne street to Roncesvalles avenue; York street, from Front street to Queen street; McCaul street, from Queen street to College street; Bathurst street, from King

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street to the Canadian Pacific Railway tracks, and Broadview avenue, from Queen street to Danforth avenue.

25. Until such changes are carried out in such a manner as will permit its disuse, horse power may be continued on branch and other lines, or parts of same, under written permit from the city engineer, who shall also have the right to order extra horse power to be employed on steep grades.

26. The speed and service necessary on each main line, part of same or branch, is to be determined by the city engineer and approved by the city council.

DAY CARS.

27. Day cars are to commence running on all routes not later than 5.30 a.m., and to run until 12 o'clock midnight, at such intervals as the city engineer, with the approval of the city council, may from time to time determine.

NIGHT CARS.

28. Night cars shall be run on such routes and at such hours and intervals as may be deemed necessary by the city engineer and approved by the city council.

TICKETS AND FARES.

29. Single (cash) fares to be five cents each.

30. Fares on night cars to be double the ordinary maximum single fare rates.

31. A class of tickets must be sold at the rate of 8 for 25 cents, the same to be used only by passengers entering the cars between the time the day cars commence running and 8 a.m., and between 5 and 6.30 p.m.

A class of tickets must be sold at the rate of 25 for \$1, and Another class at the rate of 6 for 25 cents.

32. Children under nine years of age, and not in arms, are to be carried at half fare rates, and infants in arms are to be carried free; school children are to have school tickets at the rate of 10 for 25 cents, only to be used between 8 a.m. and 5 p.m., and not on Saturdays.

33. The payment of a fare shall entitle the passenger to a continuous ride from any point on said railway to any other point on a main line or branch of said railway within the city limits; and to enable this service to be carried out, transfer arrangements must be made by the purchaser to meet with the approval of the city engineer and the endorsement of the council.

34. Police constables in uniform, detective police officers in the employ of the city, and (while a fire is in progress) members of the city fire department in uniform, shall be carried free.

35. The purchaser shall be liable to, and shall indemnify the city against all damages arising out of the construction or operation of the said railway system.

CARS.

36. Cars are to be of the most approved design for service and comfort, including heating, lighting, signal appliance, numbers and route boards. They must be kept clean inside and out, and shall not exhibit advertisements outside unless under permit from the city engineer. The platforms must be provided with gates. Cars are to be used exclusively for the conveyance of passengers, unless otherwise permitted by the city engineer, and smoking will only be allowed on the front platform of closed cars, and rear seat and platform of open cars.

CONDUCTORS.

37. Each car is to be in charge of a uniformed conductor who shall clearly announce the names of cross streets as the cars reach them. Conductors shall not permit ladies or children to enter or leave the cars while the cars are in motion, and shall only receive and discharge passengers on right or curb side of vehicle on double track routes. On branch or light suburban lines, where horsepower is permitted, single horse cars may be run in charge of a uniformed driver.

38. Cars are not to be overcrowded (a comfortable number of passengers for each class of cars to be determined by the city engineer, and approved by the city council).

STOPPING OF CARS.

39. Cars shall only be stopped clear of cross streets, and midway between streets where distance exceeds 600 feet. Cars to have the right of way, and vehicles or persons not to obstruct or delay their operation.

SUNDAY CARS.

40. No car shall be run on the Lord's Day until a Sunday service has been approved of by the citizens by a vote taken on the question.

WORKMEN.

41. No employee shall be compelled to work in the service of the railway for a longer period than 10 hours per day, or than 60 hours per week, or on more than 6

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days per week, and no adult employee in the service of the railway shall be paid less than 15 cents per hour.

42. Nothing herein contained shall be taken as conferring upon the purchaser any right to construct or operate underground, overhead or elevated railways in the city of Toronto, or a surface railway on the Island; and the right to construct or operate, or to authorize the construction or operation of such railways in the said city, or in any part thereof, is hereby expressly reserved.

43. In case of any dispute or difference of opinion arising during the term of this contract between the purchaser and the city as to the meaning or construction of this specification, or of the contract to be prepared as herein provided, the same shall be determined on summary application after two clear days' notice to the other party by the person who, for the time being, fills the office of judge of the county court of the county of York, who may, as arbitrator, determine the same with the powers, as to costs and otherwise, of arbitrators under *The Municipal Act*, with right to appeal to the High Court of Justice for Ontario, whose decision shall be final.

44. The purchaser shall furnish to the city engineer annually (on the first of January), a statement of tracks, cars and all plants and appliances on hand on that date, together with the value of the same.

PENALTY.

45. A deposit in cash, marked cheque payable to the order of the city treasurer, or other security, to the value of thirty thousand dollars (\$30,000), and to the satisfaction of the city treasurer, is to accompany each tender as a guarantee, returnable by city if offer not accepted. In the case of the successful bidder, the amount of the deposit will be retained until a formal contract, with bonds, etc., in the usual form of city contracts, and to be approved by the city solicitor, has been duly entered into, and will be forfeited to the city if the party fails to completely execute the contract within thirty days after the notification to enter into the same.

46. In case of neglect or failure on the part of the purchaser to perform any of the conditions of the contract to be entered into in accordance with the above specification, the purchaser shall in each such case of failure forfeit and pay to the city the sum of \$10,000 as liquidated damages and not as a penalty.

47. The purchaser shall provide a waiting-room near the corner of Front and York streets (Union Station), suitable for the convenience of passengers taking the cars at this point.

N. B.—Persons who submit tenders on the foregoing specification may also submit offers or tenders on their own terms and in such event one deposit shall suffice. Persons may also submit offers or tenders on their own terms.

CITY ENGINEER'S OFFICE,
Toronto, May 6th, 1891.

AWARD OF THE ARBITRATORS.

Re The Toronto Street Railway.

To whom all these presents shall come :

We, Edmund John Senkler, of the city of St. Catharines, in the county of Lincoln, and Province of Ontario, judge of the county court of the county of Lincoln, and Charles Henry Ritchie, of the city of Toronto, in the county of York, and Province of Ontario, one of Her Majesty's counsel learned in the law send greeting.

Whereas the corporation of the city of Toronto, by notice in writing bearing date the twenty-third day of November, A. D. 1889, and under the corporate seal of the said the corporation of the city of Toronto, and the hand of Edward Frederick Clarke, Esquire, M.P.P., mayor of the said city, and Richard Theodore, Coady, Esquire, treasurer of the said the corporation of the city of Toronto, and keeper of the city seal, addressed to the Toronto Street Railway Company, and served upon the said the Toronto Street Railway Company upon the said the twenty-third day of November, A. D. 1889, did require the said the Toronto Street Railway Company to take notice that the corporation of the city of Toronto intended, at the expiration of the term of the franchise granted to Alexander Easton, Esquire, by certain resolutions adopted by the municipal council of the said corporation, on the fourteenth day of March, 1861, and by a certain agreement made on the twenty-sixth day of March, 1861, between the corporation of the city of Toronto and Alexander Easton, and by a certain by-law of the said corporation passed on the twenty-second day of July, 1861, and numbered 353 (and which franchise the said company then claimed the right to exercise), and also of certain other franchises subsequently granted by the said municipal council at different times for the said term to the Toronto Street Railway Company, to assume the ownership of the railways of the said company, and of all real and personal property in connection with the working thereof, on payment of their value to be determined by arbitration.

And whereas by an order made in the High Court of Justice, chancery division, by the Honourable the Chau-

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cellor of Ontario, on Wednesday, the eighteenth day of June, A. D. 1890, in the matter of an arbitration between the corporation of the city of Toronto and the Toronto Street Railway Company, and in the matter of the Acts of the legislature of the Province of Ontario, 52 Victoria, chapter 13, and 53 Victoria, chapter 105, upon motion that day made unto the said court by Mr. Robinson, Q. C., of counsel for the corporation of the city of Toronto, and upon reading the affidavit of C. R. W. Biggar, Q. C., a certain notice served by the said city of Toronto on the said Toronto Street Railway company on the twenty-third day of November, 1889 (being the notice hereinbefore recited), the affidavit of Patrick Joseph McCormack, being the affidavit of service of such notice, and upon reading the notice of motion therein, and a certain agreement made between one Alexander Easton and the said the corporation of the city of Toronto, on the twenty-sixth day of March, A. D. 1861 (being the agreement mentioned and referred to in said notice), and upon hearing counsel, the Honourable the Chancellor of Ontario did, pursuant to the statute firstly above named by the said order, appoint Edmund John Senkler, of the city of St. Catharines, judge of the county court of the county of Lincoln, Samuel Barker, Esquire, and Charles Henry Ritchie, one of Her Majesty's counsel learned in the law, the arbitrators to ascertain the value to be determined by arbitration under the said agreement.

And whereas the said arbitrators duly took upon themselves the burthen of the said reference and arbitration, and duly weighed and considered the several allegations made by and on behalf of the said the corporation of the city of Toronto, and the said the Toronto Street Railway Company, the parties thereto, and also the proofs, vouchers, and documents which have been given in evidence before them.

Now, therefore, we, the said Edmund John Senkler, and Charles Henry Ritchie, being two of the above named arbitrators (Samuel Barker, the other of the said arbitrators not joining in this award, although present at the making thereof), do hereby make and publish this our award of and concerning the matters so referred to us as aforesaid, in manner following, that is to say:

We find, award, adjudge, and determine the value of the railways of the said Toronto Street Railway Company, and of all real and personal property in connection with the working thereof, to be the sum of one million four hundred and fifty-three thousand seven hundred and eighty-eight dollars (\$1,453,788).

We further find, award, adjudge and determine that the said railways, and the said real and personal property so

valued by us, consist of and include all the railways, and all the real and personal property specified or mentioned in the schedule hereunto annexed, and also all other railways belonging to or worked or constructed by the Toronto Street Railway Company within the city of Toronto aforesaid, and all other real and personal property of the Toronto Street Railway Company used or intended to be used in connection with their said railways or any of them, and that the above mentioned sum so found by us, is the value of all said railways, and of all said real and personal property, free and clear and fully and completely exonerated and for ever discharged of and from all mortgages, debentures, bonds, debts, liens, encumbrances, claims and demands whatsoever, either at law or in equity, and of every nature and kind whatsoever.

We are of opinion that upon the true construction of the agreement of the twenty-sixth of March, 1861, between the corporation of the city of Toronto and Alexander Easton, and the resolutions recited therein, the right and privilege to construct, maintain and operate street railways upon certain streets in the city of Toronto, was granted to the said Easton for the period of thirty years from the date therein mentioned only, and not in perpetuity, and that all street railways constructed in the city of Toronto by said Easton, or by the Toronto Street Railway Company, have been constructed and operated under privileges for the same term of thirty years and not in perpetuity, and in valuing said railways we have valued the same as being railways in use, capable of being, and intended to be used and operated as street railways, but have not allowed anything for the value of any privilege or franchise extending beyond said period of thirty years, as we consider no privilege or franchise exists beyond that period.

We are also of opinion that on the true construction of the agreement of the nineteenth January, 1889, between the Toronto Street Railway Company and the corporation of the city of Toronto, the company is not entitled to be paid for permanent pavements constructed by the city subsequent to the thirty-first of December, 1888, and we also think that such pavements cannot be considered as having been constructed or paid for by the company as to entitle it to any allowance therefor under the fifth section of chapter fifty-eight, fortieth Victoria (Statutes of Ontario), and we have, therefore, not allowed anything in respect thereof. In valuing the pavements constructed prior to the first January, 1889, we have not made any deduction in respect of used life of such last mentioned pavements subsequent to that date, as having regard to the terms of the said agreement of the nineteenth January, 1889, we do not think any such deduction should be made.

It was shewn in evidence before us that the property valued by us is (in whole or in part) subject to the follow-

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ing encumbrances, that is to say: Debentures issued by the Toronto Street Railway Company under the authority of the Act (Statutes of Ontario) forty-seven Victoria chapter seventy-seven, for the principal sum of six hundred thousand dollars, payable on the first July, 1914, and bearing interest at the rate of six per cent. per annum, payable half-yearly.

Mortgage in favour of one Platt for eight thousand dollars (principal money), payable on the first July, 1892, with interest at the rate of six per cent. per annum.

Mortgage in favour of one Crowther for one thousand seven hundred dollars (principal money) payable on the twenty-eighth of April, 1891, with interest at the rate of six per cent. per annum.

Mortgage in favour of one Gooderham for twenty-six thousand dollars (principal money) payable on the first of November, 1891, with interest at the rate of five per cent. per annum.

Mortgage in favour of one Allen for two thousand five hundred dollars (principal money), payable on the twenty-second December, 1891, with interest at the rate of six per cent. per annum.

And mortgage in favour of one Parsons for two thousand dollars (principal money), payable on the first day of November, 1881, with interest at the rate of six per cent. per annum.

By sub-section two of section two of chapter one hundred and five, fifty-three Victoria (Statutes of Ontario), it is provided as follows:

2. "Nothing in this Act contained shall affect the rights of the holders of the debentures heretofore issued under the Act of this legislature 47 Victoria, chapter 77, but in the event of the corporation of the city of Toronto taking such possession, such debentures shall be and continue a first charge upon the said railway and property as declared by that Act, whether the same are retained by the corporation of the city of Toronto, or are sold or leased by them to any other persons or company, but this declaration shall not be held or taken to prejudice or affect any claim which, on the part of the city of Toronto, may be contended for before the arbitrator or arbitrators as to the amount at which the liability created by the said debentures shall be estimated or valued in calculating the amount to be paid to the company by or under the award."

And counsel for the city contended before us that under the original agreement, coupled with this section, it was our duty to ascertain and determine what amount should be deducted from the value of the property in respect of the difference between the rates of interest borne by the

said debentures and mortgages, and the rate at which the city could borrow money on its own debentures, and adduced evidence to shew that the city could, on its own debentures, borrow money at a considerable lower rate than six per cent. per annum.

Although we do not regard the matter as being free from doubt, we are inclined to the opinion that the decision of this question does not come properly within the scope of the reference to us, and therefore we have not taken it into consideration, and our award is made without reference to it.

We have thought it proper, in respect of the main question of principle involved, to state on the face of the award the basis upon which we have proceeded in arriving at our valuation, so that if the conclusions of law we have drawn and upon which we have acted, are erroneous, either party may be in a position to seek such redress as the law may allow.

In witness whereof we, the said Edmund John Senkler and Charles Henry Ritchie (being a majority of the said arbitrators), have hereunto set our hands this fifteenth day of April, A.D. one thousand eight hundred and ninety-one.

(Signed) E. J. SENKLER.

(Signed) C. H. RITCHIE.

Signed and published the fifteenth day of April, A.D. 1891, by the said Edmund John Senkler and Charles Henry Ritchie (the above-mentioned Samuel Barker being present at the time although not joining in the award), in presence of

(Signed) J. F. MIDDLETON.

SCHEDULE.

REFERRED TO IN ANNEXED AWARD, CONTAINING LIST OF THE REAL AND PERSONAL PROPERTY INCLUDED IN VALUATION MADE BY ARBITRATORS.

(1) All railway tracks of the Toronto Street Railway Company now on the streets of the city of Toronto, including curves, switches, cross-overs and turn-outs, stated to be 68.72 miles measured in single track.

(2) The interest of the said company in all pavements and roadbeds on the streets of said city (basis of valuation of which is shewn in award).

(3) Lands, including all buildings and erections thereon:

(a) That freehold property of the Toronto Street Railway Company on the south-east corner of Front and

Frederick streets, in the city of Toronto, having a frontage of two hundred feet on the south side of Front street, a frontage of two hundred feet and five inches on the north side of Esplanade street, and a frontage of four hundred and fifty-three on the east side of Frederick street, excepting thereout the lot known as the Currie lot, having a frontage on Frederick street of eighty feet and two inches by a depth of sixty-six feet.

(b) That freehold property of the said company on the south-west corner of Front and George streets, in said city, having a frontage of one hundred and thirty-eight feet and five inches on the south side of Front street, a frontage of four hundred and forty-three feet and three inches on the west side of George street, and a frontage of one hundred and thirty-four feet and three inches on the north side of Esplanade street.

(c) That freehold property of the said company on the north-west corner of Front and Frederick streets, in said city, having a frontage of one hundred and thirty-six feet on the north side of Front street, and a depth of one hundred and thirty-six feet and nine inches on the west side of Frederick street.

(d) That freehold property of the said company on the south-east corner of King and St. Lawrence streets, in said city, having a frontage of two hundred feet on the south side of King street, and a frontage of one hundred and ninety-three feet and nine inches on the east side of St. Lawrence street.

(e) That leasehold property of the said company on the north side of St. Lawrence street occupied by them in connection with the freehold property lastly above described, and held by the said company under lease from the trustees of the Toronto General Hospital.

(f) That freehold property of the said company on the south side of Scollard street, in said city, commencing at the south side of Scollard street at a point distant one hundred and seventy feet westerly from the west side of Yonge street, and running westerly from that point three hundred feet, and having a uniform depth of seventy-five feet and eight inches, together with the leasehold property of the said company adjoining the same and used in connection therewith.

(g) That freehold property of the said company on the north side of Yorkville avenue, in said city, commencing on a point on the north side of Yorkville avenue, three hundred and seventy feet westerly from the west side of Yonge street, and running from that point westerly one hundred feet, and having a uniform depth of one hundred and sixty-five feet and eleven inches.

(h) That freehold property of the said company on the west side of Yonge street, in the block between Davenport road and Belmont street, in said city, known as lot number four registered plan 270, having a frontage of ninety-seven feet six inches on Yonge street, and running back to a lane.

4. Rolling stock :—

(a) Cars—90 two-horse cars (closed) including the twelve original cars purchased by the company ; 56 open cars, 116 one-horse cars.

(b) Buses— 56 buses (Stephenson N. Y. make) ; 43 other buses.

(c) Sleighs—40 car sleighs (Speight & Son, makers) ; 60 car sleighs (T. S. R. Co. make.)

5. Horses—The 1,372 horses belonging to the company and referred to in schedules filed before arbitrators.

6. Harness, machinery in mill and miscellaneous chattels appearing in schedules filed before arbitrators, the value of which has been fixed by the parties of the reference at fifty-one thousand dollars, pursuant and subject to agreement between them appearing at page 68 of volume 7 of the shorthand reporter's notes of evidence taken before arbitrators, which value the arbitrators have adopted.

7. Tracks in company's buildings, the value of which has been agreed upon by the parties and adopted by the arbitrators.

8. Horse feed on hand valued at ten thousand dollars.

9. Chattels enumerated in exhibit 188 filed before us, the value of which has been agreed upon by the parties and adopted by the arbitrators.

(Signed) E. J. SENKLER.

(Signed) C. H. RITCHIE.

Witness :

J. F. MIDDLETON.

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STREET RAILWAYS.

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SCHEDULE A.

TORONTO STREET RAILWAY.

Length of Tracks in Operation. Length of Tracks Constructed but not in Operation.
Length of Tracks to be Constructed.

STREET.	FROM.	TO.	IN OPERATION.		Con- structed not Opera'd Double.	TO BE CON- STRUCTED.	
			Single.	Double.		Single.	Double.
			feet.	feet.	feet.	feet.	feet.
Front	Frederick	Simcoe	370	4,632			
King	Don	Roncesvalles		16,335	4,243		4,300
Queen	Lee Ave	High Park	2,202	33,747			2,230
College	Yonge	Jameson		13,479			2,386
Carlton	"	Parliament		4,036			
Gerrard	Greenwood	"	650	1,450		650	8,686
Winchester	Sumach	"	1,454				
Bloor	Sherbourne	Roncesvalles			15,932		4,700
Broadview	Queen	Danforth		6,826			
Parliament	"	Winchester	301	3,504			
Elm Ave	Sherbourne	Glen Road				2,900	
Sherbourne	King	North Drive		2,095			2,950
Frederick	"	Front	103	146			
George	"	"		252			
Church	Front	Bloor		8,532			
Yonge	"	C. P. Railway	148	12,764			
York	"	Queen		2,144			
McCauley	College	"		3,338			
Spadina	King	Bloor	113	7,930			
Bathurst	"	C. P. Railway		11,302			
Strachan	"	Wellington		394			
Dundas	Queen	Jameson	1,029	5,843			
Dovercourt	College	C. P. Railway		2,846		3,300	
Dufferin and	Union	Bloor				4,980	
		Feet	6,370	152,595	20,175	11,750	25,762
		Miles	1.20	28.90	3.82	2.22	4.88

SUMMARY.

Single tracks in operation	1.20 miles.
Double tracks reduced to single in operation	57.80 "
Curves reduced to single in operation	1.36 "
Cross-overs in operation	0.71 "
	61.07 miles.
Double tracks reduced to single, constructed but not operated	7.64 "
Double tracks constructed (reduced to single)	9.76 "
Single tracks to be constructed	2.22 "
Grand total	80.69 miles.

SCHEDULE A.—Continued.

DESCRIPTION OF TRACK, SHOWING DIFFERENT KINDS OF CONSTRUCTION LAID ON STREETS.

STREET.	30 lb. rail. 5 $\frac{1}{2}$ x 6 $\frac{1}{2}$ stringer.	30 lb. rail. 5 $\frac{1}{2}$ x 8 $\frac{1}{2}$ stringer.	25 lb. rail. 5 $\frac{1}{2}$ x 6 $\frac{1}{2}$ stringer.	25 lb. rail. 5 $\frac{1}{2}$ x 8 $\frac{1}{2}$ stringer.	22 lb. rail. 5 $\frac{1}{2}$ x 6 $\frac{1}{2}$ stringer.
	4 $\frac{1}{2}$ x 6 $\frac{1}{2}$ tie.	4 $\frac{1}{2}$ x 6 $\frac{1}{2}$ tie.	4 $\frac{1}{2}$ x 6 $\frac{1}{2}$ tie.	4 $\frac{1}{2}$ x 6 $\frac{1}{2}$ tie.	4 $\frac{1}{2}$ x 6 $\frac{1}{2}$ tie.
	feet.	feet.	feet.	feet.	feet.
Front .....	.....	8,111	1,311	.....	212
King	14,513	.....	5,199	.....	21,521
Queen	47,354	.....	32,343	.....	.....
College	8,933	13,472	4,555	.....	.....
Carlton .....	.....	8,072	.....	.....	.....
Gerrard	1,393	.....	2,157	.....	.....
Winchester	704	.....	750	.....	.....
Bloor .....	.....	31,864	.....	.....	.....
Broadview Ave. ....	.....	13,652	.....	.....	.....
Parliament	4,658	.....	2,652	.....	.....
Sherbourne .....	.....	16,190	.....	.....	.....
Frederick .....	.....	.....	396	.....	.....
George	504	.....	.....	.....	.....
Church .....	.....	7,351	.....	9,713 $\frac{1}{2}$	.....
Yonge .....	.....	7,321	9,325	9,030	.....
York .....	.....	4,288	.....	.....	.....
McCaw .....	.....	6,777	.....	.....	.....
Spadina Ave. ....	.....	3,091	.....	12,883	.....
Bathurst .....	.....	22,605	.....	.....	.....
Strachan Ave.	161	.....	628	.....	.....
Dundas	526	7,305	2,228	2,648	.....
Dovercourt .....	.....	5,692	.....	.....	.....
Single Track. {	Totals	70,260	134,477	61,554	34,274
	Miles	13.11	31.28	11.65	6.49
					4.11

NOTE.—Gauge of tracks, 4 ft. 11 in.; devil's strip, 3 ft. Ties and stringers are of pine. The ties are spaced 5 feet between centres, and are 4 in. x 6 in. x 7 feet long. Stringers are spiked to ties with 9 in. x $\frac{1}{2}$ in. spikes, one through each tie, and knees are placed on the outside of stringers only.

Joint knees weigh 5 lbs. each, and intermediate 2 lbs. 1 os each. There are 9 $\frac{1}{2}$ miles of iron rails; the balance are of steel. All curves, switches and diamond crossings are of cast iron.

SCHEDULE A—Continued.

Roadbeds of the Toronto Street Railway, showing the number of miles of each kind of pavement for single and double tracks laid on streets.
 Note.—The width for single tracks is 8 ft. 4 in., and for double 16 ft. 8 in. Length of pavements on streets are in lineal feet.

Street.	Cedar and Cobble.	Cedar Block.	Asphalt and Scoria Blocks.	Sandstone Setts on Sand.	Scoria Blocks on Concrete.	Granite Setts on Concrete.	Cobble with Stone Kerbs.	Cobble.	Granite Setts on Sand.	Macadam M. Gravel G.
	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.
Front								{(s) 370} {(d) 2,115}	(d) 2,319	.....
King	(d) 808	(d) 12,619						(d) 52	(d) 4,737	.....
Queen	(d) 8,010	{(s) 2,090} {(d) 22,910}			(d) 1,845			(d) 3,850		(d) 4,049 G
College		(d) 6,755						(d) 6,735		.....
Carlton		(d) 4,034								.....
Gerrard										{(d) 1,528 M {(s) 650 M
Winchester										{(s) 1,466 M
Bloor		(d) 2,462							(d) 11,615	.....
Broadview Ave.		(d) 6,838								(s) 406
Parliament		(d) 2,490				(d) 8,107		(d) 879		.....
Sherbourne								{(s) 115} {(d) 158}		.....
Frederick								(d) 284		.....
George .....										.....
Church				(d) 8,544					(d) 800	.....
Yonge		{(s) 149} {(d) 11,964}								.....
York		(d) 2,168								.....
McCauley		(d) 3,362								.....
Spadina Ave.		3,539					{(s) 113 {(d) 3,311}		(d) 1,143	.....
Bathurst		3,625					(d) 3,132	(d) 175	(d) 3,291	.....
Strachan Ave.		{(s) 870 {(d) 1,033}								(d) 406
Dundas							(d) 5,057			.....
Dovercourt Rd.							(d) 2,798	(s) 3,300		.....
Total double track. Roadbed, miles ..	8,818 1.67	81,006 15.39	2,642 0.50	8,544 1.61	1,845 0.35	8,107 1.53	14,298 2.71	15,248 2.89	23,901 4.53	(d) 1,934 M 0.36
Total single track. Roadbed, miles ..		3,006					1.13	3,785		{(s) 2,522 M 0.48
		0.59					0.02	0.72		{(d) 4,049 G 0.77

(s) Single track.

(d) Double track.

TENDERS OF KIELY, EVERETT & MCKENZIE.

No. 1.

Annual Percentages of Gross Receipts.

1. Up to \$1,000,000, 7 1-10 per cent.
2. From \$1,000,000 to \$1,500,000, 8 1-10 per cent.
3. From \$1,500,000 to \$2,000,000, 9 1-10 per cent.
4. From \$2,000,000 to \$2,500,000, 10 1-10 per cent., and advancing 1 per cent. on each additional \$500,000.
5. If the city guarantee bonds at four per cent., one per cent. a year on the amount to be paid to the city for the guarantee.

No. 2.

6. If class of tickets 8 for 25 cents struck out, an additional two per cent. per annum on gross receipts to be added to each of the said annual percentages.

No. 3.

7. If paragraph nine struck out, an annual payment of \$136,000, if paragraph nine and tickets 8 for 25 cents both struck out, an annual payment of \$151,000.

(Signed) G. W. KIELY.
 (Signed) Wm. MCKENZIE.
 (Signed) HENRY A. EVERETT.

Tender No. 1.

Of George W. Kiely, of Toronto, 580 Jarvis street; William McKenzie, of Toronto, 623 Sherbourne street, and Henry A. Everett, of Cleveland, Ohio, Secretary of East Cleveland Railway Company (electric), for the privileges to be disposed of by the corporation of the city of Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the city of Toronto, as adopted by the city council May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions, respectfully submit to the corporation of the city of Toronto the following tender, based upon the said conditions (a copy of which is hereto annexed).

1. We offer to pay to the corporation of the city of Toronto under section 9, 7 1-10 per cent. per annum of the gross receipts in addition to the other money provided for in said section.

2. And we, the said purchasers, further offer that should the said gross receipts described as aforesaid be in excess of \$1,000,000 and not greater than \$1,500,000, then the purchasers will pay on any excess over \$1,000,000, 8 1-10 per cent. per annum of said gross earnings to the said city of Toronto.

3. And we, the said purchasers, further offer that should the said gross receipts be in excess of \$1,500,000 and not greater than \$2,000,000, then the purchasers will pay on any excess over \$1,500,000, 9 1-10 per cent. per annum of said gross earnings to the said city of Toronto, and the further sum of one per cent. per annum upon each additional \$500,000.

And we, the said purchasers, further offer that if the city of Toronto shall procure the necessary legislation to guarantee debentures bearing four per cent. interest proposed to be issued by said purchasers to an amount not to exceed in the aggregate the sum of \$2,000,000, the said sum or any part thereof to be used solely for the purpose of equipping the street railway with the improvements contemplated by the said specifications; we, the said purchasers, will pay to the city of Toronto in addition to the sums hereinbefore enumerated, an additional sum of money equal in amount to one per cent. per annum on the amount of debentures issued by said purchasers and guaranteed in the manner hereinbefore provided.

This tender is made upon the faith that an electric railway system will be approved and confirmed under section 24 of the specifications, unless some new system shall in the meantime be devised for the operation of street railways which is not more expensive and is equally commercially successful with known electric system.

This tender is to apply to the purchasers or to any company incorporated by them for the purpose of carrying out this tender.

Respectfully submitted,

(Signed) G. W. KIELY.

(Signed) WM. MCKENZIE.

(Signed) HENRY A. EVERETT.

Dated at Toronto, this 26th day of May, A.D. 1891.

Tender No. 2.

Of George W. Kiely, of Toronto, 580 Jarvis street; Wm. McKenzie, of Toronto, 623 Sherbourne street; and Henry A. Everett, of Cleveland, Ohio, secretary of East Cleveland Railway Company (electric), for the privileges to be disposed of by the corporation of the city of

Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the city of Toronto, as adopted by the city council, May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions, respectfully submit to the corporation of the city of Toronto the following alternative tender based upon the aforesaid specifications :

They repeat all the allegations of their tender No. 1, and make them a part hereof as fully as though they were herein written, but modified as follows, to wit :

That if the city of Toronto will eliminate from clause 31 of the specifications the words, "A class of tickets must be sold at the rate of eight for twenty-five cents, the same to be used only by passengers entering the cars between the time the day cars commence running and 8 a.m., and between 5 and 6.30 p.m.," the said purchasers offer to pay to the city of Toronto two per cent. of the gross receipts in addition to the percentages that they have offered to pay under their tender No. 1.

Respectfully submitted,

(Signed)	G. W. KIELY.
(Signed)	WM. MCKENZIE.
(Signed)	HENRY A. EVERETT.

Dated at Toronto this 26th day of May, A.D. 1891.

Tender No. 3.

Of George W. Kiely, of Toronto, 580 Jarvis street ; William McKenzie, of Toronto, 623 Sherbourne street ; and Henry A. Everett, of Cleveland, Ohio, secretary of the East Cleveland Railway Company (electric), for the privileges to be disposed of by the corporation of the city of Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the city of Toronto, as adopted by the city council, May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions, respectively submit the following alternative tender to the corporation of the city of Toronto, based upon the said conditions (a copy of which is hereto annexed) subject to the following qualifications :

We hereby make our tender No. 1 a part hereof as fully as though herein written, except as to section No. 9 of the specifications, and that portion of section No. 31 providing for eight tickets for twenty-five cents.

We offer, in lieu of section No. 9 of the specifications, to pay to the city of Toronto during the period covered by the purchase, the sum of \$136,000 per annum, payable in four equal quarterly payments.

And we further offer that if the said portion of section 31 providing for eight tickets for twenty-five cents shall also be eliminated, we will pay to the city of Toronto during the period covered by the purchase, the sum of \$151,000 per annum, payable in four equal quarterly payments the said sum of \$151,000 to be in lieu of section No. 9 and that portion of section No. 31 providing for eight tickets for twenty-five cents.

Respectfully submitted,

(Signed)	G. W. KIELY.
(Signed)	WM. MCKENZIE.
(Signed)	HENRY A. EVERETT.

Dated at Toronto this 26th day of May, A.D. 1891.

Amended Tender of Kiely, Everett and McKenzie for the Toronto Street Railway.

TORONTO, June 26th, 1891.

Alfred McDougall, Esq., Chairman of the Street Railway Committee, City.

DEAR SIR,—At the meeting of the Street Railway Committee on the evening of the 25th inst., our clients decided to withdraw all their tenders and to consider whether they would substitute a fresh tender in the direction of the claims made by the mayor, and some of the aldermen, that the percentages should increase at a higher proportional ratio.

Our clients expected to have received their tenders and deposits this a.m., but we are informed by the clerk and treasurer that a formal resolution of the council is necessary.

We enclose an amended tender which our clients have, after consideration, decided to make, and we confirm the former tenders, amended by the enclosed tender, in the rate of gross percentages, and we confirm the deposit of \$30,000 as the deposit for security.

Yours respectfully,

(Signed) KINGSMILL, SYMONS, SAUNDERS AND
TORRANCE.

BAIN, LAIDLAW & Co.

TORONTO, 25th June, 1891.

To the corporation of the city of Toronto, and to Alfred McDougall, Esq., chairman of the Street Railway Committee :

We, George W. Kiely, William McKenzie, and Henry A. Everett, offer to buy the privilege of operating surface street railways in the city of Toronto, on the basis of the amended conditions, and to pay the following rates of percentages of annual gross receipts, namely :

(1) Up to \$1,000,000	8 per cent
(2) From \$1,000,000 to \$1,500,000..	10 "
(3) " \$1,500,000 to \$2,000,000..	12 "
(4) " \$2,000,000 to \$3,000,000..	15 "
All over \$3,000,000	20 "

And we make this offer on condition that it shall be disposed of without any unnecessary delay.

Yours respectfully,

(Signed) G. W. KIELY.
WM. MCKENZIE.
H. A. EVERETT.

NO. 2920. A BY-LAW.

To authorize a certain agreement between Messrs. Keily, Everett and McKenzie and the city of Toronto for the lease of the Toronto Street Railway.

[Passed July 27th, 1891.]

Whereas the corporation of the city of Toronto has acquired the ownership of the railways of the Toronto Street Railway Company, and all the real and personal property in connection with the working thereof, and has asked, by public advertisement, for tenders from persons willing to acquire the said railways and the privileges of operating surface street railways in the city of Toronto.

And whereas George W. Kiely, William McKenzie and Henry A. Everett have tendered for the acquisition of such railways and the privilege of operating surface street railways, as shown by report No. 12 of the street railway committee and appendices thereto, which report was adopted by council on the 21st day of July, 1891, and it is advisable that the tender of the said Messrs. Kiely, McKenzie and Everett be accepted by the said corporation:

Therefore the municipal council of the corporation of the city of Toronto enacts as follows :

That the mayor and city treasurer be authorized and empowered to execute and affix the city seal on behalf of the city to an agreement between the corporation of the city of Toronto and the said Messrs. Kiely, McKenzie and Everett, based on the specifications and conditions for the privilege of operating surface street railways within the city of Toronto, as adopted by the city council May 5th, 1891, and the said tender of the said Messrs. Kiely, McKenzie and Everett, as contained in the appendix to said report No. 12 of the said street railway committee, provided that such agreement be drawn, settled and approved of by the city solicitor and counsel learned in the law ; and provided further that the date of execution of the contract shall be taken to be the date of acceptance of the tender for the purposes of the second paragraph of the said conditions, and provided further that no claim shall be made by Messrs. Kiely, Everett and McKenzie, or be allowed by this council for any depreciation of property during the time the city has charge of the said street railway.

I certify that I have examined this bill and that it is correct.

E. F. CLARKE,
Mayor.

JOHN BLEVINS,
City Clerk.

Council Chamber, Toronto, July 27th, 1891.

G. W. KIELY.
WM. MCKENZIE.
By his Attorney.

Witnesses :
THOMAS CASWELL.
GEO. KAPPELE.

H. A. EVERETT.
C. C. WOODWORTH.

Province of Ontario, } I, George Kappele, of the city
County of York, } of Toronto, in the county of York,
To Wit : } esquire, make oath and say :—

1. That I was personally present and did see the foregoing agreement and award, conditions, tender and by-law attached thereto, duly signed, sealed and executed in triplicate by the within named George Washington Kiely ; William McKenzie, by his attorney, Nicol Kingsmill, Henry Azariah Everett, and Chauncey Clark Woodworth, four of the parties thereto.

2. That the said agreement and award, conditions, tender and by-law attached thereto in triplicate were executed at the city of Toronto aforesaid.

3. That I know the said parties.

4. That I am a subscribing witness to the said agreement and award, conditions, tender and by-law attached thereto in triplicate, and that the name "George Kappele" subscribed to the said agreement and award, conditions, tender and by-law attached thereto in triplicate, is in the proper handwriting of me this deponent.

Sworn before me at the city of }
Toronto, in the county of York, }
this first day of September, A.D. }
1891.

GEO. KAPPELE.

C. R. W. BIGGAR,

A Commissioner for taking Affidavits, etc.

SCHEDULE B.

(Section 6.)

This agreement made this day of in the year of our Lord, one thousand eight hundred and ninety-two, between the Toronto Railway Company, hereinafter called "the company" of the first part, the corporation of the city of Toronto, hereinafter called "the corporation" of the second part, and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth, hereinafter called "the purchasers" of the third part.

Whereas, by indenture bearing date the first day of September, one thousand eight hundred and ninety-one, and forming schedule "A" to an Act passed in the 55th year of Her Majesty's reign, chapter 99, between the corporation and "the purchasers," the corporation sold, granted and assigned to the purchasers all the railways and properties acquired by the corporation from the Toronto Street Railway Company, and certain exclusive rights, privileges and franchises in respect of the operation of surface street railways in the city of Toronto, which are in the said agreement more fully set forth.

And whereas, by the said agreement it was provided that if the purchasers formed a joint stock company for the purpose of carrying the agreement into effect, then upon the conditions therein stated, the said company contemplated to be formed should upon executing the necessary contract of substitution, be substituted for the said purchasers; and clause twenty-three of the conditions attached to the said agreement should apply to such company so to be formed, and should cease to apply to the individual purchasers who should thenceforth be discharged from all individual liability under the said agreement and conditions.

And whereas, the said purchasers have formed a company under the name of the Toronto Railway Company, in this agreement called "the company," for the purpose of carrying the said agreement of the first day of September, one thousand eight hundred and ninety-one into effect, which company is the party hereto of the first part.

And whereas, the said purchasers have assigned to such company all their right, title and interest under the said recited agreement.

And whereas, the corporation has consented and agreed that the company should be substituted as the party contracting and as the party to be and become liable to the corporation in the place and stead of the purchasers in the said agreement.

Now, therefore, these presents witness as follows:—
The company hereby covenants and agrees with the corporation that the company shall in respect to the said agreement of the first day of September, one thousand eight hundred and ninety-one, as and for and in the room and place of the purchasers as contemplated by the twenty-third clause of the said agreement, assume, execute, and perform all the covenants, agreements, and obligations in the said agreement contained, and on the part of the said purchasers to be made, done, performed, fulfilled and kept, subject to the conditions, provisions and stipulations in the said agreement contained, and the company shall and will in all respects be bound by the said agreement as fully and effectually as if it, the company, instead of the purchasers had been the party thereto of the second part.

And the corporation on its part hereby covenants and agrees with the company that it does hereby accept the said company in lieu and in place of the said purchasers, so that the company shall have the same rights and privileges and generally be in the same plight and condition as regards such agreement as if the company had been the party of the second part to such agreement instead of the purchasers; and the corporation will on its part execute and perform all the covenants, agreements and obligations in the said recited agreement contained with the company in the same manner and as fully as if the covenants and agreements in the said agreement expressed or implied on the part of the corporation with the purchasers had been originally made with the company.

And the corporation hereby releases the purchasers and each of them of and from all liability by them assumed or entered into, in or by the said in part recited agreement of the first day of September, 1891, and from all contracts, covenants, agreements and obligations therein contained, and by them to be performed, fulfilled, or kept. 55 V. c. 99, Sched. B.

56 Vict. c. 101 (Ont.)

An Act respecting The Toronto Railway Company.

[Assented to 27th May, 1893.]

Preamble.

WHEREAS the Toronto Railway Company was incorporated by an Act passed in the 55th year of Her Majesty's reign, and chaptered 99; and, whereas, doubts having arisen as to the application to be made of the proceeds of any bonds or debentures which might be issued under the said Act, and as to the powers to be exercised by the company, it is desirable to amend the said Act in order to remove such doubts, and to declare and extend the powers aforesaid, and to confirm the mortgage executed by the company under the said Act; and whereas the said company has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

* * * * *

Mortgage confirmed.

3(b) The mortgage deed, set forth in schedule "A" to this Act and the debentures secured thereby are hereby confirmed, and declared to be legal, valid and binding as therein expressed. 56 V. c. 101, s. 3.

Property to be free from trusts on release or conveyance by trustees.

4. If the trustees for the time being, under the said mortgage deed, or any mortgage deeds which may at any time be executed as provided in section 22 (c) of the said Act passed in the 55th year of Her Majesty's reign, chaptered 99, shall at any time under the terms thereof release or reconvey to the company or otherwise discharge from the operation of such mortgage deed or deeds any of the properties, real or personal, comprised in such mortgage deed or deeds, then such mortgage deed or deeds, and the preferential claim and charge created in and by the said section, shall cease to apply to the properties so released, reconveyed, or otherwise discharged, and the same shall be absolutely freed therefrom; and any lands owned by the company at the date of the mortgage mentioned in section 3 of this Act, and which may not be mentioned or described therein, shall be, and the same are hereby released and discharged from the preferential claim and charge created by section 22 as aforesaid, and such lands shall be held by the company absolutely freed therefrom. 56 V. c. 101, s. 4.

(b) Sections 1 and 2. See 55 V. c. 99, ss. 23, 24 (Ont.), pp. 376, 377.

(c) See p. 374.

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5. It shall not be necessary, in the exercise of the powers as to mortgaging in the said Act contained, to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but the mortgage mentioned in section 3 of this Act, and any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, as required by the company's special Act, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said Act respecting mortgages and sales of personal property, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with, and the provisions of this section shall apply to the mortgage deed referred to in section 3 of this Act, and the deposit thereof in the office of the Provincial Secretary already made, shall be deemed and taken to be the deposit mentioned in this section. 56 V. c. 101, s. 5.

Mortgage need not be registered. Rev. Stat., c. 125.

SCHEDULE "A."

(Section 3.)

This indenture made the first day of September, in the year of our Lord, one thousand eight hundred and ninety-two; between the Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada, hereinafter called "the company," party of the first part; and Richard Bladworth Angus, of the city of Montreal, of the Province of Quebec, in the Dominion of Canada, Esquire; and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "the trustees," parties to the second part:

Whereas, the company was incorporated by an Act of the Legislature of the said Province of Ontario, being chapter 99 of the Acts passed in the 55th year of the reign of Her Majesty Queen Victoria, with the power, among other things, to contract and agree with George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, in the said Act called "the purchasers," and such other person or persons (if any) who might be interested with them in a certain agreement for the purchase thereof, and of all properties, rights and privileges secured thereby, and which said

agreement was made between the corporation of the city of Toronto, of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth, therein called "the purchasers," of the second part, for the exclusive right and privilege, for the full period of thirty years, from the 1st day of September, 1891, of using and working the street railways in and upon the streets of the said city of Toronto, except as therein provided, and which said agreement was confirmed by the said Act, and is fully set forth in schedule "A" thereto; and whereas, the company was further empowered, on the grant and assignment to it of said agreement, to take and hold the same, and to have thereby vested in it all the right, title, interest, property, claim, demand and privilege of the said purchasers; subject, however, to all the liens, charges and obligations upon which the same were held by the purchasers; and whereas, the company was, by the said Act, further empowered, after the acquisition of the said agreement, to acquire, construct, complete, maintain and operate, and from time to time remove and change, a double or single track street railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon or along all, or any, of the said streets, or highways, of the said city of Toronto, and to take, transport and carry passengers upon the same by the force and power of animals, electricity or other motive power, in accordance with the terms, and subject to the provisions of the said agreement, and to construct and maintain, and from time to time alter, repair and enlarge, all necessary and convenient works, stations, buildings and conveniences therewith connected, or required, for the due and efficient working thereof, and to purchase, acquire, construct and manufacture all engines, carriages, cars and other machinery and contrivances necessary for the purposes of the undertaking; and were further empowered to carry out, fulfil and execute the said agreement and conditions; and whereas, in the event of the corporation of the city of Toronto desiring to exercise the privilege of taking over the property necessary to be used in the working of the said railway, at the termination of the said period of 30 years, certain provisions, as to notice, arbitration, award and determining the value of such property were made by section 4 of the said Act; and whereas, the company was, by the said Act, further authorized to enter into and execute a contract or agreement with the corporation of the city of Toronto for the purpose of assuming the contract and the covenants, agreements and obligations which the said purchasers in and by their said agreement with the said city of Toronto agreed to perform, fulfil and execute; and whereas, the said contract, or agreement, with the corporation of the city of Toronto has been duly assigned to the company.

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and the said company has executed a contract or agreement with the corporation of the said city of Toronto, assuming the said contract, and the said company has become, and is substituted in the place of the said purchasers; and whereas, it is necessary for the said company to raise money for the prosecuting its undertaking and carrying out the terms of said agreement; and whereas, it is, by the said Act, incorporating the company, provided as follows:—

22.—(1) The directors of the company, under the authority of the shareholders, to them given at any special general meeting called for the purpose and in the manner provided by this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all call dues thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case, the expiration of thirty years, from the 1st day of September, 1891, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum, as the directors think proper:—

- (a) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions, which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- (b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges, and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(a) By the said deed the company may grant to the holders of such bonds, debentures, or other securities, or the trustees named in such deed, all and every the powers, rights, and remedies granted by this Act in respect to the said bonds, debentures, or other securities, and all other powers, rights, and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege, or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed, shall be valid and binding and available to the said holders in manner and form as herein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(3) The bonds, debentures, or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under the said agreement by this Act confirmed, and the undertaking, tolls and income, rents, and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section:—

And save and except the bonds or debentures for \$600,000 issued by the Toronto Street Railway Company referred to in the said agreement, so far as the same are now a charge on the undertaking, and subject to the charges in favour of the city provided by the said agreement.

(a) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of said bonds, debentures, or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meet-

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ings as would attach to them as shareholders if they had fully paid up shares of the company to a corresponding amount.

- (a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures, or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.
- (b) The exercise of the rights given by this sub-section shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.
- (5) All bonds, debentures, or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof, as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfers of shares.

23. The issue of bonds, debentures or other securities by this Act authorized, shall not exceed the sum of \$35,000 for each mile of street railway track constructed or under contract for construction: Provided that such bonds, debentures, or other securities shall not in any way interfere with or prejudice the right of the city in case it chooses to exercise its right to take over the undertaking in pursuance and on the terms of the said agreement in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the city therefor.

24.—(1) Whereas among the terms embodied in the conditions referred to in the said agreement, it is stipulated that the purchasers are to satisfy the treasurer of the said city that means are provided for meeting the payment of such bonds or debentures as the company may issue at the maturity thereof; and it is expedient to substitute in lieu of such stipulations the following provision:—It is, therefore, enacted that the net proceeds of all or any of such

bonds or debentures issued in pursuance of the power by this Act conferred, shall be laid out and expended in the purchase or acquisition of the rails, rolling stock, motors, buildings and lands required thereof, and other necessary plant, fixtures, and materials, and in the laying of such rails and erection of such plant, and in execution and fulfilment of the conditions of the said contract or agreement for the change of the system entered into by the said purchasers to be assumed by the company as hereinbefore provided.

(2) It is hereby declared that all the bonds, debentures, or other securities, at any time issued by the said company shall forthwith, after the issue thereof, be handed over to trustees to be named in the mortgage deed, which, under the provisions of the twenty-second section of this Act, the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures, or other securities, and shall only apply the same from time to time under the provisions of sub-section 1 of this clause, and as such payments may be earned by the actual expenditure of money for the purposes therein set forth and in discharge of the said \$600,000 of bonds or debentures.

And, whereas, the company has been duly organized, and the amount of stock subscribed, and all other acts done to enable the directors, under the provisions of the Act incorporating the said company, to issue its bonds when authorized by the shareholders; and whereas at meetings of the directors of the company, held on the 30th day of July, A.D. 1892, and on the 26th day of September, 1892, it was resolved, that, after the sanction of the shareholders has been obtained, at a special general meeting called for that purpose, the company should issue its first mortgage bonds, and secure the same by a mortgage upon the whole of the property, assets, rents, and revenues of the company, both present and future; and that such mortgage and bonds should be of the nature and effect following:—

1. The bonds shall be executed under the seal of the company, and signed by the president or other presiding officer, and countersigned by its secretary, as provided in the Act incorporating the company.

2. The total amount of such bonds may equal but shall not exceed \$35,000 for each mile of street railway track now or hereafter constructed, and shall never exceed in the aggregate \$4,550,000. The actual issue of such bonds from time to time, shall not exceed the sum of \$35,000 for each mile of street railway track constructed or under contract for construction at the times of such actual issue.

3. The said bonds shall be dated on the first day of September, 1892, and the principal money secured thereby shall be payable on the first day of August, 1921.

4. Interest shall be at the rate of four and one-half per cent. per annum, payable half-yearly on the twenty-eighth day of February, and thirty-first day of August, in each year during the currency of said bonds, and such interest shall be represented by coupons attached to the bonds; the first coupon for six months' interest being payable on the twenty-eighth day of February, one thousand eight hundred and ninety-three. The place of payment of both principal and interest shall be at the chief office of the Canadian Bank of Commerce, in the city of Toronto.

5. The said bonds shall contain a provision that the company shall, during each of ten years preceding the year ending on the thirty-first of August, one thousand nine hundred and twenty-one, redeem five per cent. of the whole issue, so that there shall be outstanding on that date fifty per cent. only of the total amount of bonds issued.

6. The mortgage securing the bonds shall be executed under the seal of the company, and signed by the president and secretary, and shall be made in favour of Richard Bladworth Angus, of the city of Montreal, in the Dominion of Canada, Esquire; and George Albertus Cox, of the city of Toronto, in the Dominion of Canada, Esquire, trustees; and, save and except as to the bonds or debentures for six hundred thousand dollars in the said Act referred to, shall form a first and preferential claim and charge upon the company and its undertaking, and the privileges acquired under the said agreement, in the said recited Act mentioned, and by the said recited Act confirmed, and upon the tolls and income, rents, and revenues and real and personal property of the company, now owned, or at any time hereafter acquired; subject, however, to the payment of the working expenses of the undertaking, and also subject to all charges in favour of the city of Toronto, as provided for the said agreement.

7. The denomination of the bonds shall be as follows, viz: Bonds for one thousand dollars each.

And, whereas, at a meeting of the shareholders of the company held on the 26th day of September, A.D. 1892, at which all the shareholders were present either in person or by proxy, a resolution was passed unanimously, as follows, viz:—

"That the directors of this company are authorized to issue the bonds of the company, under the provisions of the Act incorporating the company in that behalf, to an amount not exceeding \$35,000 for each mile of street railway track constructed, or hereafter to be constructed, and that such bonds shall not at any time exceed in the aggregate \$4,550,000, and shall be secured by a mortgage of the company's property, assets, rents, and revenues, present or future, or both, and that such bonds shall be in conformity

with the resolution of the board of directors relating thereto, and passed on the 30th day of July, A.D. 1892, as amended on the 26th day of September, 1892, and that such resolution, and the issue of the bonds thereby provided for, are authorized, sanctioned and approved."

And whereas, a draft of this deed of mortgage and the bonds and coupons herein referred to and in part recited, was presented at the said meeting of the shareholders, held on the 26th day of September, A.D. 1892, at which all the shareholders were present, either in person or by proxy, and each of the provisions in the said draft was duly approved and confirmed by a further resolution passed at the said meeting, and this deed, and the bonds and coupons hereinafter set forth, conform in all respects to the said draft.

And whereas, the bonds to be issued by the said company are to be certified by the trustees, and are to be each of the nature and effect and according to the form following, that is to say:—

DOMINION OF CANADA.

PROVINCE OF ONTARIO.

THE TORONTO RAILWAY COMPANY.

Incorporated under 55 Vict., Chapter 99, Statutes of Ontario.

Number

\$1,000.00

FIRST MORTGAGE BOND.

The Toronto Railway Company, for value received, hereby promises to pay to the bearer, or if registered, then to the registered holder hereof, the sum of one thousand dollars, in gold coin, or its equivalent of lawful money of Canada, on the 31st day of August, A.D. 1921 (subject to previous redemption of this bond, in accordance with the conditions of the mortgage below mentioned and the endorsement hereon), at the chief office of the Canadian Bank of Commerce, in the city of Toronto, Province of Ontario and Dominion of Canada, with interest thereon at the rate of four and one-half per cent. per annum, payable half-yearly, at the said place, in like money, on the 28th day of February and 31st day of August, in each year, on presentation and surrender of the interest coupons, hereto annexed, as they severally become due and payable. This bond is one of a series, and each of like date, tenor and effect, issued and to be issued, to an aggregate not exceeding four million five hundred and fifty thousand dollars, and not exceeding the sum of thirty-five thousand

Certifi

dollars for each mile of street railway track constructed, or under contract for construction at the times of actual issue, for the security of which and the interest thereon, the undertaking, franchises, privileges, rents, revenues, tolls, income, assets and real and personal property of the company, at any time acquired, both present and future, are mortgaged to Richard Bladworth Angus, of the city of Montreal, Esquire, and George Albertus Cox, of the city of Toronto, Esquire, as trustees, by a mortgage bearing even date herewith. Each holder of the said bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings shall be taken to enforce payment of the said bonds, or of the interest thereon, except through the said trustees. This bond shall pass by delivery, but may, at the option of the holder, be registered at any time in the same manner as the shares of the company are registered, and, while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of the transfer of shares, and as provided by the said mortgage. A transfer in favour of the bearer may subsequently be registered, after which it will be transferable by delivery alone until again registered in the name of the holder. If the company makes default in paying the principal or interest of this bond, when the same becomes due, then at the next annual general meeting of the company, and at all subsequent meetings, the registered holder of this bond, if the same is still in default, shall, in respect thereof, have the same right and privilege and qualification for being elected a director and voting at general meetings as would attach to him if he were a shareholder holding fully paid-up shares of the company to the amount of this bond, but subject to the provisions of the Act incorporating the company. This bond is subject to the condition hereon endorsed. This bond shall not become obligatory until it shall have been certified by the trustees or their successors in the trust.

In witness whereof the Toronto Railway Company has caused its seal to be hereunto affixed, and these presents to be signed by its president, or vice-president, and countersigned by its secretary, the first day of September, one thousand eight hundred and ninety-two.

Countersigned

President.

Secretary.

(ENDORSED ON THE BOND.)

Certified

Trustees.

(ALSO ENDORSED.)

THE TORONTO RAILWAY COMPANY \$1,000 FIRST MORTGAGE
BOND.INTEREST $4\frac{1}{2}$ PER CENT., PAYABLE FEB. 28TH AND AUG. 31ST.

Number

Number

INTEREST COUPON.

\$22.50.

The Toronto Railway Company will pay the bearer, on the 28th day of February, A. D. 1893, twenty-two dollars and fifty cents, in gold, or its equivalent of lawful money of Canada, at the chief office of the Canadian Bank of Commerce, in the city of Toronto, being half-yearly interest on bond number

CONDITION ENDORSED ON THE SAID BOND.

This bond is subject to be redeemed at par, in pursuance of the within mentioned mortgage as follows:—

On the 31st day of August in each of the ten years preceeding the year ending on the 31st day of August, A.D. 1921, the company shall redeem five per cent. of the whole issue of bonds. The bonds to be redeemed each year shall be determined by lot, and the result of the lot in each case shall be published in the city of Toronto, by advertisement at least four times a week, in a daily newspaper at least forty days before the time of redemption, from which time interest on the bonds designated shall cease to accrue. Notice of such result shall also be mailed to the registered address of any registered holder of any bond to be redeemed.

Now therefore, this indenture witnesseth that the company for and in consideration of the premises, and for the purpose of securing the said bonds so issued, and to be issued, and the interest specified in the interest coupons thereto attached, and every part of the said principal and interest, as the same shall become payable according to the tenor of the said bonds and coupons, and of the sum of one dollar, of lawful money of Canada, now paid to the company by the trustees (the receipt whereof is hereby acknowledged) doth grant to the trustees, their heirs and assigns, as joint tenants, and to their successors in the trust, all and singular the lands and hereditaments respectively specified or referred to in the schedule hereto marked "A," and the railway and undertaking of the company now made, in course of construction, or hereafter to be constructed, together with all branches, extensions, sidings, switches and turn-outs, and the superstructure and tracks, and all iron, rails, ties, poles, wires, pavement and other material placed, or to be placed or used therein,

or procured, or to be procured, therefor, and all structures, stables, offices, stations, station houses, power houses, engine houses, work and machine shops, or other buildings or erections held, or acquired, for use in connection with the railway, or the business thereof, including all electric or other motors, cars and other rolling stock, or equipment, and all machinery, tools, implements, fuel and material for the constructing, operating or replacing the same railway, or any of its equipments or appurtenances, whether now held or at any time hereafter acquired, all of which things are hereby declared to be appurtenances and fixtures of the railway, and to be included in and to pass by these presents; and also all the interest of the said company in the said recited agreement with the city of Toronto and in the streets of the said city, and all franchises, powers and privileges connected with, or relating to the said railway, or the construction or maintenance thereof now held, or hereafter acquired, by the company, and all corporate or other franchises, which are now, or may be, or whenever, possessed or exercised, by the said company; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion, remainder, tolls, incomes, rents, issues, and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever as well at law as in equity of the said company, of, in and to the same, and any and every part thereof, with the appurtenances; and all sums of money, claims or demands of any kind, which may be payable to the company by the corporation of the city of Toronto upon the said corporation taking possession of the said railway, and the property and effects thereof, and the amount of any award which may be made in favour of the company in pursuance of the arbitration contemplated by the said agreement and by the acts relating to the company; and generally all the real and personal property of the company of whatever kind and wheresoever situated now or at any time hereafter owned or possessed by the company during the currency of the said bonds; to have and to hold the above described undertaking, property, premises, things, rights, privileges and franchises, acquired, or to be acquired, and hereby expressed to be conveyed, and intended so to be, unto the trustees, their heirs, executors, administrators and assigns, according to the nature and quality thereof, as joint tenants, and to their successors in the trust;

But nevertheless upon the trusts and to and for the uses and for the purposes and conditions herein expressed, that is to say:—

1. All the bonds issued by the said company hereunder shall, forthwith after the issue thereof, be handed over to the trustees, and the trustees shall apply the proceeds

of all, or any, of such bonds, under the provisions of section 1, clause 24, of the said recited Act 55 Victoria, chapter 99, of the statutes of Ontario. The trustees shall retain and hold six hundred thousand dollars of the bonds first issued in pursuance of these presents, for the purpose of redeeming six hundred thousand dollars of debentures, issued by the Toronto Street Railway Company, and referred to in the said Act of incorporation, and shall use such bonds for the purpose of paying off and procuring the cancellation of the said six hundred thousand dollars of bonds issued by the Toronto Street Railway Company as aforesaid, it being understood and agreed that the trustees shall have the right and power to exchange at par the said six hundred thousand dollars of bonds, or any part thereof, for the said bonds issued by the Toronto Street Railway Company, in the event of the holder or holders of the latter desiring and accepting such exchange, either at maturity or prior thereto, and upon such exchange and surrender, the trustees shall mark the bonds so surrendered as cancelled, and hand them over, so marked cancelled, to the treasurer of the company; and in the event of the holder or holders of the said outstanding bonds of the Toronto Street Railway Company not exchanging said bonds for those hereby secured, then the company, at the maturity of said bonds, or so many of them as may be then outstanding, shall have the right and power to sell and dispose of the said \$600,000 of its bonds, held by the said trustees, or so many, or all thereof, as may be necessary to cancel and satisfy the said \$600,000 of debentures issued by the Toronto Street Railway Company, or so many thereof as may be then outstanding, at such price or prices, and in such way or manner, as may by it be deemed expedient; provided, however, that the amount or amounts, realized from such sale or sales shall be paid over unto the said trustees and applied by them to the cancellation of the said \$600,000 debentures of the Toronto Street Railway Company, or so many thereof as may be then outstanding, and any balance from such sale or sales over and above the amount necessary to satisfy and redeem the said bonds of the Toronto Street Railway Company, shall be paid by the said trustees to the company. And in the event of the \$600,000 of bonds, secured by these presents, and deposited with the trustees as aforesaid, being inadequate and insufficient to redeem the said \$600,000 of bonds of the Toronto Street Railway Company, then the company shall supply such deficiency and pay over to the trustees an amount, which, with the amount or amounts realized from such sale or sales, shall be sufficient to redeem the said \$600,000 of bonds of the Toronto Street Railway Company in full; and the company shall pay interest on the said \$600,000 of bonds of the Toronto Street Railway Company, as the same becomes due and

payable, so long as such bonds are outstanding and unredeemed.

2. Until default shall be made in payment of the principal or interest of the said bonds, by these presents secured, or some of them, or until default shall be made in respect to something herein required to be done or kept by the company, the said company shall be suffered and permitted to possess, operate, manage and enjoy the said railway and its undertaking, with all its equipment and appurtenances, and all other property, rights and privileges hereby conveyed, or intended so to be, to take and use the rents, incomes, profits and tolls thereof in the same manner and to the same effect as if this deed had not been executed.

3. In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the company, when such interest shall become payable according to the tenor of such bond or the terms of any coupon thereto annexed, and such default shall continue for a period of four months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months, then and from thenceforth, and in either of such cases, it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway, railway tracks, motors, poles, wires, machinery, real and personal estate and premises hereby conveyed or intended so to be, acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth, to have, hold, possess and use the said railway and premises and each and every part and parcel thereof, then subject to the lien of these presents, with full power to operate and conduct the business of the said railway by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and to receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; and, after deducting the expenses of operating the said railway and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, including all payments to the corporation of the city of Toronto under said agreement, as well as just compensation for their own services and for the services of such attorneys and counsel and all

other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created the trustees shall apply the moneys arising from such collections and receipts as aforesaid, to the payment of interest on the said bonds, in the order in which said interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same may be paid over to the company; but in case the principal of said bonds shall have become due, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon a sale of the said railway and premises as hereinafter provided; but the provisions of this clause are subject to the rights of the city of Toronto, under the agreement above mentioned.

4. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of four months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, whether by effluxion of time, selection for redemption, or declaration of the trustees as hereinafter provided for, and shall continue for a period of four months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally, or by their attorneys or agents, to sell and dispose of the said railway, and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction, in the city of Toronto, in the Province of Ontario, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale by advertisement published not less than three times a week for three successive months, in one or more daily newspapers published in the city of Toronto, in one or more daily newspapers published in the city of New York, and in one or more daily newspapers published in the city of London, England, and in such other manner as the trustees may think proper. And after such notice it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserve bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereinunder, which may be

prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and resell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, make the same, with or under any of the powers herein, after such notice and advertisement as they may think best, at any time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the company, or its assigns. And, after deducting from the proceeds of such sale just allowance for all expenses thereof, including attorney's and counsel fees, and all other expenses advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens prior to the lien of these presents on the said premises, or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in Article Third, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders. Provided, however, that should interest on some bonds have been paid up to a later date than interest on other bonds the trustees shall before applying such residue as aforesaid pay the interest on all bonds up to the same date, in order that all may stand on an equal footing when such residue is being applied. And if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed, that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt, said purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-

application of such purchase money, or of any part thereof, nor shall he or they be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

5. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupons thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of four months after the same shall have become payable as aforesaid, and such default shall continue for four months thereafter, then and from thenceforth, the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have the power by an instrument in writing, under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due, or to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe: provided always, that no act or omission either of the trustees, or of the bondholders in the premises, shall extend to, or be taken in any manner whatsoever to affect any subsequent default or the rights resulting therefrom.

6. It shall be the duty of the trustees to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the company, or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:—

A.—In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of four months; then and in every such case, upon a requisition in writing, signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights

of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof:

Provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as herein provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed, that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trust thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees, to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or the rights of the trustees, or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

B.—If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them then and in such case, the trustees shall, upon a requisition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct, in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being

made. And it is hereby provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

7. The board of directors of the company may from time to time, by resolution, require the said trustees, to convey by way of release or otherwise to discharge from operation of these presents any lands acquired or held for the purpose of stations, depots, car shops, machine shops, power houses or other buildings or premises connected therewith, or any lands which may have become disused, or which the board of directors and the trustees may deem it expedient to disuse or abandon, and which land or premises respectively shall, by resolution of the said board, concurred in by the trustees in writing, be declared to be unnecessary for the purposes and business of the company, and in every such case the said trustees, when so required, shall execute such release and discharge accordingly; and without in any way limiting the generality of these presents, it is hereby declared, that any lands that may be acquired in lieu of or in substitution for lands so released or discharged, and any newly or subsequently acquired lands shall be deemed to come within the operation of these presents and to be included therein, and shall be conveyed to and held by the said trustees for the trusts of these presents; and it is further declared that the said company from time to time may sell or dispose of any part of the equipment, rolling stock, motors, machinery, implements or other materials at any time held, or acquired, for the use and purposes of the said company, as may, by the resolution of the board of directors, be declared to be no longer useful or necessary for the company's business, and without in any way limiting the generality of these presents, it is declared that any new, or subsequently acquired, equipment, rolling stock, motors, machinery, implements and material or any such acquired in lieu of or in substitution for that sold or disposed of, shall come within and be subject to the operation of these presents and be included therein.

8. All bonds hereby secured, shall be payable to bearer, and be negotiable and pass by delivery, unless registered for the time being in the name of the owner thereof in the manner provided for the registration of the shares of the company; and the mode and manner of registration and transfer as applicable to the said bonds shall be as follows: The company shall keep at its chief office in the city of Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at such office a written statement of the said

particulars and verifying his title to such bond by the production thereof; and every such registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid, except in writing in a suitable transfer book, to be kept by the company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to shew the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

9. If the company makes default in paying the principal or interest on any of the bonds hereby secured when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such bonds, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount. The right given hereby shall not be exercised by any holder thereof, unless the bond on which he claims to exercise such right has been registered in his name, as provided for in article eight at least ten days before he attempts to exercise the right of voting thereon; provided however, that the exercise of this right shall not take away, limit or restrain any rights or remedies to which the holders of the said bonds are entitled, under the provisions of this deed.

10. The trustees, or any trustee, hereunder, may take such legal advice and employ such assistance as may be necessary, in their judgment, to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation and all proper costs, charges and expenses incurred by them, the company hereby promises and agrees to pay; but in case the company shall make default in such payment, the same may be retained by the trustees out of any trust moneys coming into their hands. Provided always that the trustees shall be entitled to be paid

by the company fifty cents for each bond certified by them, which payment shall be in full for all services of the trustees prior to default by the company in payment of the principal or interest on bonds, but should such default occur, then the remuneration of the trustees for services consequent upon such default shall be fixed in the usual way under the statute in that behalf.

11. The trustees shall not, nor shall any trustee, hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trust, and not the one for the other or others of them, or the acts or defaults of the other or others.

12. Any one of the trustees may resign his trust and be discharged from all further duties thereunder, or liability thereafter accruing, upon giving three months' notice in writing to the company, if such resignation takes place before any default by the company in the payment of any interest or principal, or in any of the conditions hereof; or after such default, upon giving a like notice to the company and to the bondholders, at the same time calling a meeting of the bondholders to accept his resignation, or upon such shorter notice as the company or the bondholders as the case may be, may accept as sufficient.

13. The number of the trustees shall always be kept up to two, and one of the trustees shall always be a resident of the Province of Ontario. In case of the resignation, death, removal from office, or incapacity to act of any one or more of the trustees, a successor, or successors, shall be at once appointed to fill such vacancy by a judge of the High Court of Justice for Ontario upon the application of the company, or of the remaining trustee, upon notice being given to the other trustee and also to the bondholders by advertisement in each issue for two weeks in the *Ontario Gazette* and in one daily newspaper published in Toronto. From thenceforth on any new appointments, under this article, any person so appointed shall be vested with the same powers, rights, interests and charges, and the same duties and responsibilities, as if he had been originally named among the parties of the second part to this instrument, in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances, or other instruments, as may be necessary, or suitable for the purpose of assuring to the new trustee, so appointed, a full joint estate in the premises. If no such application be made by the company or the remaining trustee

tee during four weeks after any such vacancy happens, such application may be made by any holder or holders of said bonds upon notice being given to the company and to the other trustee and to the other bondholders by advertisement as aforesaid.

14. Meetings of the holders of bonds secured under this mortgage may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and a quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered, or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum and make such regulations or by-laws, such powers may be exercised by the trustees, including the fixing of the mode of the calling of the first meeting and the conduct thereof. And the trustee shall have the right, at or before any meeting of bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meetings. And whenever and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required, to call a meeting of the holders of bonds secured hereby to be held in the said city of Toronto, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for at least four weeks, in at least two daily newspapers of good circulation among the business community in said city of Toronto, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder, of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. Until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the

holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any meeting.

15. The word "trustees," wherever used in this indenture shall in all cases be construed to mean any one person or more persons who for the time being shall be trustee or trustees, whether such person or persons be the parties of the second part or any successor or successors of said parties of the second part appointed hereunder. In case of a vacancy in said trust the surviving or continuing trustee, if there be any, shall be competent to exercise, until the appointment of a new co-trustee, any and all powers and authorities herein granted to the said parties of the second part.

16. If the company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument, when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons, respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by it or them done and observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall, on the request and at the costs and charges of the company, execute such re-conveyance and re-assignment of the premises, as may be necessary or expedient.

17. The company, in consideration of the premises, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever, pertaining to or for use upon the said railway hereinbefore conveyed, or upon any part thereof, the company and its assigns shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trust of this indenture, until conveyance thereof shall be duly made and delivered to the trustees, for the benefit of the trust by these articles created.

18. And the company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such time and in such amounts as hereinbefore limited; that the company will in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from



said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year on said bonds, when the same shall become due until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every sort and description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed or intended or contemplated so to be, so as to keep the mortgaged premises free and clear from any incumbrance by reason thereof; also that it will duly make all payments to the corporation of the city of Toronto, as provided by the said agreement as and when the same become payable; and also that it will insure and during the continuance of this mortgage keep insured against loss or damage by fire all insurable property hereby mortgaged, conveyed or mentioned, or intended so to be, in proper insurable proportions in the sum of its full insurable value in some insurance company or companies satisfactory to the said trustees, and pay all premiums and sums of money necessary for such purpose as the same become due, and in the event of any loss of the said property, or any part thereof, by fire, all moneys payable from time to time to the company by the insurance company or companies in respect of such loss or losses shall be held by the company for the benefit of the trust by this mortgage created in the event of the same not being expended by the company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said trustees pay over such insurance moneys to the trustees for the benefit of the trust hereby created; but in the event of the said insurance moneys, or any part thereof, not being required by the company in rebuilding or replacing as aforesaid, then the same may be used by the company in such manner as the board of directors may declare by resolution, concurred in by the trustees in writing; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trust herein expressed, the railway aforesaid, acquired or to be acquired, constructed or to be constructed, together with their equipments, appurtenances and franchises, and all and singular the lands, property, insurance policies, insurance moneys and things, hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, to

the trustees, or their successors in the trust created by these presents as by the trustees or by their counsel learned in the law shall be reasonably advised, devised or required.

19. The company hereby covenants and agrees with the trustees, and their successors and survivor, for the benefit and in trust for the holders of the said bonds, that the said company will pay off and redeem, on the thirty-first day of August, in each of the ten years preceding the year ending on the 31st day of August, A. D. 1921, five per cent. of the whole issue of bonds, so that there shall be outstanding in the last of such ten years fifty per cent. only of the total amount of bonds issued; and if any part of the said \$4,550,000 of bonds be issued after the first determination by lot of the bonds to be redeemed during said ten years, there shall be cancelled by the trustees and delivered back to the company so much of said part as will represent five per cent. thereof for each year of said ten years prior to the issue of such part, so that the five per cent. to be redeemed during the succeeding years will be sufficient to leave outstanding in the last of said ten years fifty per cent. only of the total amount of bonds issued. And the company will pay, for the purpose of paying off and redeeming such bonds, into the chief office of the Canadian Bank of Commerce, in Toronto, as aforesaid, at least ten days before the 31st day of August in each of the years 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919 and 1920, an amount sufficient to pay off and redeem such five per cent. of the whole issue of bonds, as aforesaid; and the particular bonds so to be redeemed shall be determined in every case by lot cast or drawn some time in the month of June, next previous to such redemption by some disinterested person or persons appointed by the company and approved of by the trustees, and the result of such lot designating and specifying the particular bonds to be redeemed shall be published in the city of Toronto, by advertisement at least four times a week in a daily newspaper in the said city at least forty days before the day of payment; and notice of such result shall also be mailed to the registered address of any registered bondholders. And that all bonds so redeemed, and all coupons thereof, shall be surrendered to and cancelled by the company in the presence of the trustees, who shall keep a list thereof, and no interest shall accrue on any bonds so designated for redemption after it has thereby become payable, and the company shall be ready to pay the same; and all coupons representing future interest on such bonds so designated and specified shall thenceforth and thereafter be void.

In witness whereof the company has caused its corporate seal to be hereunto affixed, and these presents to

be signed by its president, and by its secretary; and the said trustees, to evidence the acceptance of the said trust, have likewise signed and sealed these presents.

Signed, sealed and delivered in the presence of	}	TORONTO RAILWAY COMPANY,		
		By		
		(Sgd.) WM. MCKENZIE,		
		<i>President.</i>		
(Sgd.) W. P. TORRANCE,	}	(Sgd.) J. C. GRACE,		
		<i>Secretary.</i>		
(Sgd.) CHAS. E. L. PORTEOUS,		}	(Sgd.) R. B. ANGUS,	[Seal.]
			<i>Trustee.</i>	
(Sgd.) V. C. BROWN,	}	(Sgd.) GEO. A. COX,	[Seal.]	
		<i>Trustee.</i>		

SCHEDULE "A"

Referred to in the mortgage made this first day of September, in the year of our Lord one thousand eight hundred and ninety-two, between The Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada; hereinafter called "the company," party of the first part, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "the trustees," parties of the second part.

Lands, including all buildings and erections thereon:

(a) That freehold property of the Toronto Railway Company on the south-east corner of Front and Frederick streets, in the city of Toronto, having a frontage of two hundred feet on the south side of Front street, a frontage of two hundred feet and five inches on the north side of Esplanade street, and a frontage of four hundred and fifty-three on the east side of Frederick street excepting there-out the lot known as the Currie lot, having a frontage on Frederick street of eighty feet and two inches by a depth of sixty-six feet.

(b) That freehold property of the said company on the south-west corner of Front and George streets, in said city, having a frontage of one hundred and thirty-eight feet and five inches on the south side of Front street, a frontage of four hundred and forty-three feet and three inches on the west side of George street, and a frontage of one hundred and thirty-four feet and three inches on the north side of Esplanade street.

(c) That freehold property of the said company on the north-west corner of Front and Frederick streets, in said city, having a frontage of one hundred and thirty-six feet

on the north side of Front street, and a depth of one hundred and thirty-six feet and nine inches on the west side of Frederick street.

(d) That freehold property of the said company on the south-east corner of King and St. Lawrence streets in said city, having a frontage of two hundred feet on the south side of King street, and a frontage of one hundred and ninety-three feet and nine inches on the east side of St. Lawrence street.


(e) That leasehold property of the said company on the north side of St. Lawrence street occupied by them in connection with the freehold property lastly above described, and held by the said company under lease from the trustees of the Toronto General Hospital.

(f) That freehold property of the said company on the south side of Scollard street, in said city, commencing on the south side of Scollard street at a point distant one hundred and seventy feet westerly from the west side of Yonge street, and running westerly from that point three hundred feet, and having a uniform depth of seventy-five feet and eight inches, together with the leasehold property of the said company adjoining the same and used in connection therewith.

(g) That freehold property of the said company on the north side of Yorkville avenue three hundred and seventy feet westerly from the west side of Yonge street and running from that point westerly one hundred feet, and having a uniform depth of one hundred and sixty-five feet and eleven inches.

This is schedule "A" referred to in within mortgage.

Witness,

	(Sgd.) WM. MCKENZIE,	
	<i>President.</i>	
(Sgd.) W. P. TORRANCE.	(Sgd.) J. C. GRACE,	
	<i>Secretary.</i>	

57 Vict. c. 93 (Ont.)

An Act respecting The Toronto Railway Company.

[Assented to 5th May, 1894.]

Preamble.

WHEREAS the Toronto Railway Company has, by its petition, prayed that an Act may be passed, for the purpose of amending their Act of Incorporation, and empowering the board of directors to increase or decrease the number of its directors, and to make regulations in reference to the transfer of the stock of the company, and whereas

it is desirable that the qualifications of the citizens for voting under section 1 of the Act incorporating the Toronto Railway Company passed in the 55th year of Her Majesty's reign be defined, and that proper regulations and safeguards be provided for the conduct of such vote and that a reasonable interval should elapse between such votes; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The directors of the company may, by by-law, from time to time increase to not more than fifteen, or decrease to not less than three, the number of its directors; but no by-law for either of the said purposes shall be valid, or acted upon, unless it is approved of at a special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company are present in person or represented by proxy, or until a copy of the by-law has been certified, under the seal of the company, to the Provincial Secretary, and also has been published in the *Ontario Gazette*. 57 V. c. 93, s. 1.

2. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock certificates, issued in respect of the shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. 57 V. c. 93, s. 2.

3. Notwithstanding anything in the Acts relating to the company contained, the directors of the company may establish agencies for the transfer of stock in Canada or elsewhere, prescribe the form of transfer of shares, and mode of registration thereof; and make all such by-laws, provisions and regulations in any way relating to the transfer or acceptance of stock as to them may seem expedient. 57 V. c. 93, s. 3.

4. The holders of any bonds heretofore issued by the Toronto Railway Company and secured by the mortgage deed set forth in schedule "A" to the Act passed in the 56th year of Her Majesty's reign, chapter 101, intituled *An Act respecting the Toronto Railway Company*, may with the consent of the company surrender to the company such bonds or part thereof for the purpose of being cancelled and of having issued in lieu thereof bonds payable in sterling, as hereinafter authorized. And upon such surrendered bonds being duly cancelled and delivered to the trustees under said mortgage deed, the company may issue in lieu thereof new bonds of like date, tenor and

effect, and at the same rate of interest, but with principal and interest payable in sterling money of Great Britain and Ireland, at such place or places in Great Britain as the company may determine. Each new bond may be for a sum not less than £100, and the total amount of such new bonds shall not exceed the total amount of the said surrendered and cancelled bonds, calculated at the rate of \$486.66 $\frac{2}{3}$ for every £100 sterling. Such numbers may be placed upon such new bonds and coupons thereof, that the same will not conflict with the numbers upon any outstanding bonds.

Such new bonds shall be certified by the trustees and thereupon they shall, for all purposes, take the place of the surrendered bonds, and the holders thereof shall be entitled to the same securities, rights, powers and privileges, as if instead of such new bonds they held the bonds which had been surrendered therefor.

Instead of hereafter issuing bonds secured by said mortgage deed, payable in lawful money of Canada as provided therein, the Toronto Railway Company may issue in lieu thereof, or of part thereof, bonds of like date, tenor and effect and at the same rate of interest, but with the principal and interest payable in sterling money of Great Britain and Ireland, at such place or places in Great Britain as the company may determine. Each bond may be for a sum not less than £100, but the total amount of bonds hereafter issued and secured by said mortgage deed shall not exceed the amount which the company is now authorized to issue, in lawful money of Canada, each £100 sterling for this purpose being calculated at the rate of \$486.66 $\frac{2}{3}$. The holders of the bonds hereafter issued payable in sterling money of Great Britain and Ireland, instead of in lawful money of Canada, shall be entitled to the same securities, rights, powers and privileges as if such bonds had been issued payable as provided in the said mortgage deed; and the provisions of the said mortgage deed and statute therein referred to shall apply to such bonds and the issue thereof and to the disposition of the proceeds thereof.

Bonds payable in sterling money and issued under the foregoing provisions may, under the like terms and conditions, be surrendered and cancelled, and in lieu thereof, bonds of equal amount payable in lawful money of Canada of like date, tenor and effect as in the said mortgage deed provided, may, under like terms and conditions be issued. 57 V. c. 93, s. 4.

Application of provisions as to municipal elections in 55 V. c. 42.

5. All proceedings, regulations and penalties provided by *The Consolidated Municipal Act, 1892*, and amendments thereto, for the conduct of municipal elections and for voting upon municipal by-laws, so far as the same are applicable, and except so far as is herein otherwise pro-

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vided, shall apply, *mutatis mutandis*, to the taking of every vote upon the question of operating a Sunday service of street cars in the city of Toronto, and to all officers and other persons engaged in taking such vote. 57 V. c. 93, s. 5.

6.—(1) The submission of the said question shall be in pursuance of a by-law of the municipal council of the said city, which shall define the character and extent of the proposed service. But no such by-law shall be submitted until the terms thereof defining the character and extent of such proposed service shall first have been approved and adopted in writing by the company.

(2) The said municipal council may, by the said or a subsequent by-law, require that a new registration of the manhood suffrage voters of the said city shall for the purposes of the taking of the said vote be had under the provisions of *The Manhood Suffrage Registration Act, 1894*, and in such case the proceedings for preparing the list of voters and in reference thereto shall be the same as nearly as may be as the one to be had and taken in the preparation under the said Act of the list of voters in case of a special election to the Legislative Assembly, and such list shall, as to the manhood suffrage voters, be the list to be used in taking the said vote.

(3) Immediately after the passing of such by-law the clerk shall transmit a copy thereof to the chairman of the board of Manhood Suffrage Registrars, who shall thereupon call the board together and the board shall forthwith take the necessary proceedings for the registration of the manhood suffrage voters for the purposes of this Act. 57 V. c. 93, s. 6.

7. The persons qualified to vote upon the said question shall be all persons residing or engaged in business within the municipality of the city of Toronto who shall at the time of taking any such vote be entitled to vote at municipal elections in the said city of Toronto in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and amendments thereto, and also all persons residing or engaged in business within the said municipality who shall at the time of taking any such vote be entitled to vote at elections to serve in the Legislative Assembly of this Province in accordance with the provisions of *The Ontario Election Act, 1892*, and amendments thereto, and whose names are entered on the last revised voters' list for the said municipality, and also all persons, entitled to vote at elections for the Legislative Assembly as aforesaid, whose names are entered on the last lists of manhood suffrage voters for the said municipality under *The City Manhood Suffrage Registration Act, 1894*. 57 V. c. 93, s. 7.

Qualification
of voters.

55 V. c. 42.

55 V. c. 3.

Lists of man-
hood suffrage
voters.

8. The clerk of the said municipality shall procure certified copies of the last lists of manhood suffrage voters for the said municipality prepared under *The Manhood Suffrage Registration Act, 1894*, from the clerk of the peace, and shall before the poll is opened deliver to the deputy returning officer for every polling sub-division a copy, either printed or written or partly printed and partly written, of the proper manhood suffrage voters' list for the polling sub-division, certified by him to be a correct list of all manhood suffrage voters entitled to vote upon the said question at such polling sub-division. 57 V. c. 93, s. 8.

Clerk to cer-
tify lists and
furnish same
to deputy
returning
officers.

9. The clerk of the peace shall, on the last page of each such certified copy of the aforesaid manhood suffrage voters' lists, certify the date on which, as appearing by the registrars' certificate appended to his list, the first sitting was held for the preparation of such manhood suffrage voters' list, and the clerk of the municipality shall furnish to each deputy returning officer a certified copy of the certificate affecting the polling sub-division for which such deputy returning officer is appointed. 57 V. c. 93, s. 9.

Voters only
to vote once.

10. No person shall vote more than once upon the said question. 57 V. c. 93, s. 10.

By-law to fix
time and
place for sum-
ming up, etc.

11. The municipal council of the said city, by the by-law whereby a time for taking any vote upon the said question shall be fixed, shall also fix a time and place at which the clerk of the municipality shall sum up the number of votes given in favour of deciding the said question in the affirmative and in the negative respectively, and a time and place for the appointment of agents who may attend at the various polling places and at the final summing up of the votes by the said clerk respectively, on behalf of the persons desiring to procure an answer in the affirmative and negative respectively to the said question. 57 V. c. 93, s. 11.

Appointment
of agents.

12. At the time and place so fixed the said clerk shall appoint in writing, signed by him, from among the applicants for such appointment or on behalf of applicants for each polling sub-division in the said city, two agents on behalf of the persons desirous of procuring an affirmative answer to the said question, and a like number of agents on behalf of the persons desirous of procuring a negative answer thereto, who may attend at each polling place during the taking of such vote, and shall also similarly appoint two persons on each side who may attend at the final summing up of the vote. 57 V. c. 93, s. 12.

Agents to
have written
authority.

13. Every person so appointed, before being admitted to the polling place or to the summing up of the vote, as the case may be, shall produce to the deputy returning

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officer or the clerk of the municipality, as the case may be, his written appointment. 57 V. c. 93, s. 13.

14. All deputy returning officers, poll clerks and agents who may be entitled to vote may vote on the said question at the places at which they are employed in the same manner and under the same conditions as at municipal elections. 57 V. c. 93, s. 14.

Officers to
vote where
employed.

15. The oath or affirmation which is to be administered to persons claiming the right to vote upon the said question shall be in accordance with the forms set forth in schedule "A" hereto, and every deputy returning officer who shall preside at any polling place during the taking of any such vote is hereby authorized and required, upon request of any person entitled to be present in such polling place, to administer the said oath or affirmation to every person claiming such right; and if any such person shall refuse to take such oath or affirmation his vote shall not be received; and if the deputy returning officer receives such vote or causes the same to be received he shall incur a penalty of \$200 for each such offence. 57 V. c. 93, s. 15.

Oath of
voters.

16. Immediately after the close of the poll in every polling place the deputy returning officer shall, in the presence of the persons authorized to be present, count the votes given "yes" and "no" on the said question, and shall make up into separate packets, sealed with his own seal and the seals of such of the persons authorized to be present as desire to affix their seals, and marked upon the outside with a short statement of the contents of each such packet, the date, the name of the deputy returning officer and of the ward and polling sub-division—

Duties of
deputy re-
turning offi-
cers at close
of poll.

(a) A statement shewing:—

- (1) The votes given "yes" on the said question.
- (2) The votes given "no" thereon.

(b) The used ballot papers which have not been objected to and have been counted.

(c) The ballot papers which have been objected to, but which have been counted.

(d) The rejected ballot papers.

(e) The spoiled ballot papers.

(f) The unused ballot papers.

(g) A statement of the number of voters whose votes are marked by the deputy returning officer under the heads "physical incapacity" and "unable to write," with the declarations of inability.

(h) The voters' lists with the oath of the deputy returning officer, in accordance with schedule "G" to *The Consolidated Municipal Act, 1892*, and the notes taken of objections made to ballot papers found in the ballot box. 57 V. c. 93, s. 16.

Liquor not to be sold during polling.

17. No spirituous or fermented liquors or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling sub-division during the polling day under a penalty of \$100 for every offence; and the offender shall be subject to imprisonment not exceeding six months at the discretion of the court or judge, in default of payment of such fine. 57 V. c. 93, s. 17.

When question may be re-submitted.

18. After the taking of any vote upon the said question which shall result in the giving of a negative answer thereto, it shall not be lawful for the municipal council of the city of Toronto again to submit the said question until a period of three years at least shall have elapsed, and after the passing of this Act it shall not be lawful for the said council to submit the said question before the year 1896. 57 V. c. 93, s. 18.

Meaning of "the company."

19. In this Act the words "the company" shall mean the Toronto Railway Company. 57 V. c. 93, s. 19.

Short Title.

20. This Act may be cited as "*The Toronto Railway Company's Act, 1894*." 57 V. c. 93, s. 20.

SCHEDULE "A."

(Section 15.)

1. You swear (or solemnly affirm) That you are the person named (or intended) to be named by the name of _____ in the list of voters now shewn to you.
2. That you are a natural born (or naturalized) subject of Her Majesty and are of the full age of twenty-one years.
3. That you are now actually residing (or engaged in business) within this municipality.
4. That you have not voted before during the taking of this vote either at this or any other polling place.
5. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you now tender.
6. That you have not received anything nor has anything been promised to you directly or indirectly either to

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which you were entered, that you have resided in this electoral district continuously from the said date, (b) and that you are now actually residing and domiciled therein.

(Or)

12a. That you have resided within this Province for twelve months before the (a) day of , being the day up to which complaint could be made to the county judge, under *The Voters' Lists Act*, to insert the name of any person in the list.

b. That you were, at the time aforesaid, in good faith a resident of and domiciled in the municipality in the list of which you were entered, that you have resided in this electoral district continuously from the said date, (b) and that you are now actually residing and domiciled therein. So help you God.

(In the case of a person claiming the right to vote by reason of registration under *The City Manhood Suffrage Registration Act, 1894*.)

13a. That you resided within this Province for the twelve months next preceding (c) the day of 18 .

b. That you were on the said day in good faith a resident of and domiciled in this municipality; that you have resided in this municipality continuously from the said day (b) and that you are now actually residing and domiciled therein.

c. That you are entitled to vote upon the taking of this vote in this municipality. So help you God.

NOTE.—(a) The date to be inserted is at the choice of the voter to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the county judge under section 13 of *The Voters' Lists Act*.

NOTE.—(b) In case the voter has been temporarily absent for any of the purposes allowed by law insert the words following: "Except occasionally or temporarily in the prosecution of your occupation as (mentioning, as the case may be, a lumberman, or mariner, or fisherman, or in attendance as a student in any institution of learning in the Dominion of Canada, naming the institution)."

NOTE.—(c) Insert here the day of the first sitting held for the registration of manhood suffrage voters on which the poll book is based.

54 V. c. 93, sched.

**3. TORONTO AND MIMICO ELECTRIC RAILWAY AND
LIGHT COMPANY.****54 Vict. c. 96 (Ont.)****An Act respecting the Toronto and Mimico Electric Railway and Light Company (Limited).***[Assented to 4th May, 1891.]*

WHEREAS by letters patent, dated the fourteenth day of November, A.D. 1890, duly issued under *The Ontario Joint Stock Companies' Letters Patent Act, The Street Railway Act, and The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light Heat or Power*, the Toronto and Mimico Electric Railway and Light Company (Limited), was duly incorporated for the purpose of constructing and operating a single or double line of street railway in the city of Toronto and in the townships of York and Etobicoke, and upon and along such of the streets, highways and public places in the said city of Toronto and in the said townships of York and Etobicoke, as the councils of the said municipalities might by by-law authorize; and whereas under the provisions of *The Street Railway Act*, certain by-laws have been passed by the municipal councils of the county of York and the township of Etobicoke, authorizing the said company to construct and operate their railway upon, over and along certain portions of the road known as the Lake Shore road, subject to such agreements as committees of the respective councils might approve; And whereas a certain agreement dated the 23rd day of December, A.D. 1890, was entered into between the said company and the corporation of the county of York, whereby the said company acquired the privilege of constructing and operating their said railway over, along and upon a certain portion of the road known as the Lake Shore road, owned by the said corporation of the county of York; and therein particularly defined; and whereas by a certain other agreement dated the 24th day of January, 1891, entered into between the said company and the corporation of the township of Etobicoke, the said company acquired the privilege of operating their said railway over, along and upon a certain portion of the said road known as the Lake Shore road, owned by the said corporation of the township of Etobicoke and therein particularly defined; and whereas the said company have by their petition represented that it is necessary to the successful carrying out of their undertaking that the validity of the said by-laws and agreements should be unquestionable; and whereas the said company have also represented by

their petition that it is necessary in order to secure the successful carrying out of their different undertakings, as well as in the interest of the general public that certain other powers and privileges should be granted them ; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws of township of Etobicoke and county of York confirmed.

1. By-law number 590 passed by the municipal council of the county of York on the 22nd day of November, A. D. 1890, and by-law number 471, passed by the council of the township of Etobicoke on the 1st day of December, A. D. 1890, set forth in schedules "A" and "B" to this Act, and the said agreements entered into between the corporation of the county of York and the said company, and the corporation of the township of Etobicoke and the said company, set forth in schedules "C" and "D" to this Act, are hereby ratified and confirmed and declared to be valid and binding for all purposes whatsoever. 54 V. c. 96, s. 1.

Power to extend time for beginning or completing work.

2. The councils of the said municipalities may, from time to time, by resolution, extend the times for beginning or completing the lines of railway of the said company or any portion thereof named in the said before in part recited agreements or any of them, provided that no such extension shall be for a longer period than one year, and shall not be in any event for a period longer than that fixed by the terms of the letters patent under which the said company was incorporated. 54 V. c. 96, s. 2.

Power to issue bonds or debentures of company.

3. The directors of the said company are hereby authorized to make and to issue from time to time bonds or debentures of the company to the total extent of \$100,000, such bonds or debentures to be in sums of not less than \$100 each, and on such terms and credit as they may think proper, which said bonds or debentures shall be taken and considered to be the first preferential charge upon the undertaking and real property of the company, including its rolling stock and equipments, now existing or at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid ; Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained. 54 V. c. 96, s. 3.

Proviso.

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4. Subject to the terms of the letters patent under which the said company is incorporated, the said company shall have full power and authority to receive, acquire and hold, for any estate in the same, all voluntary grants and donations of land or other property in aid of and necessary for the construction, maintenance and accommodation of the said street railway; and to sell, lease, alienate and dispose of, or mortgage the same; and shall also have power to purchase, lease, acquire and hold, for any estate in the same of any corporation or person, any land or other property necessary for the construction, maintenance, accommodation and use of the said street railway or for any of the purposes of the said company; and to sell, lease, alienate and dispose of, or mortgage such last mentioned land or property. 54 V. c. 96, s. 4.

5. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary and suitable for park or pleasure grounds not exceeding 100 acres and being situate in the city of Toronto or the townships of Etobicoke or York, or partly in one and partly in another of the said municipalities; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and to increase, but not beyond the limit of the said 100 acres, the area of such lands, from time to time; and may make and enter into any agreement or arrangements with the municipal corporations of the county of York and townships of York and Etobicoke and the city of Toronto, or any of them in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided, moreover, that the company shall not, under any of the provisions of this section, have any right or power to purchase, lease or acquire any lands after the lapse of four years from the passing of this Act. 54 V. c. 96, s. 5.

6. The said municipalities or any of them may lend to, or guarantee the payment of any sum of money borrowed by the said company from any corporation or person, or endorse or guarantee the payment of bonds or debentures issued by the said company, and may also assist the said company by bonus, gift or loan in the manner provided by section 39 of *The Railway Act of Ontario*, and section 634 of *The Municipal Act*, but always subject and pur-

Power to acquire land by purchase, etc., and to dispose of same.

Power to acquire lands for parks, etc.

Proviso.

Proviso.

Municipalities may grant aid to company.

Rev. Stat. c. 170.

Rev. Stat. c. 184. suant to and in conformity with the provisions of the said Acts in that behalf, and especially subject and pursuant to and in conformity with all the requirements in that behalf of said section 39 and said section 634.

54 V. c. 96, s. 6.

SCHEDULE "A."

(Section 1.)

By-LAW No. 590.

A by-law to authorize and empower the directors of the Toronto and Mimico Electric Railway and Light Company (Ltd.), to locate and operate an electric railway along the Lake Shore road, which is owned by the county.

Whereas the directors of the Toronto and Mimico Electric Railway and Light Company (Ltd.), have petitioned this council for permission to construct and operate an electric railway along the Lake Shore road, which is owned by the county.

Be it therefore enacted by the municipal council of the corporation of the county of York :

1st. That the Toronto and Mimico Electric Railway and Light Company (Ltd.), be and the same is hereby authorized and empowered to locate and operate their electric railway along the north side of that portion of the Lake Shore road owned by the county, under the conditions of the agreement hereinafter referred to being carried into effect.

2nd. That upon the tolls on the York roads and the city market fees being abolished, the railway company will maintain the Lake Shore road under the provisions and conditions of the aforesaid agreement, and if not properly kept in repair the said company shall forfeit any rights they may have acquired to use said road.

3rd. That the said franchise shall extend over a period of twenty-one years, and at the expiration thereof the railway company shall be entitled to a renewal upon such terms and conditions as shall from time to time be mutually agreed upon between the county and the company, or be determined upon by arbitration.

4th. That an agreement be prepared between this county and the company to locate and operate their line of railway as set forth in clause No. 1 of this by-law, subject to such conditions, restrictions, and provisions as warden Evans, Messrs. Richardson, Woodcock, Forster, Pugsley, Russell and Humberstone, may approve of, and that

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upon such approval the said agreement shall be executed on behalf of this corporation.

Passed November 22nd, 1890.

GEO. EAKIN,
Clerk.

J. D. EVANS,
Warden.

* * * * * 54 V. c. 96, Sched. A.

SCHEDULE "B."

(Section 1.)

BY-LAW No. 471.

Granting certain privileges to the Electric Railway and Lighting Company (limited), to operate their road within this municipality.

Whereas the Toronto and Mimico Electric Railway and Light Company (limited), have made application to this council for the exclusive privilege of constructing and operating along the Lake Shore road an electric railway and an electric lighting service from the river Humber to the side road known as Mimico avenue, with privilege to extend their operations as far west as Long Branch park should the company deem it advisable to do so.

And whereas the council of the municipality have decided to grant such privilege,

Be it therefore enacted by the municipal council of the corporation of the township of Etobicoke, and it is hereby enacted by the authority aforesaid:

That the said Toronto and Mimico Electric Railway and Light Company (limited), shall have the exclusive privilege of constructing and operating along the Lake Shore road an electric railway and an electric lighting system, subject to such agreement as a committee of the council consisting of Messrs. Evans, Brown and Thompson, may approve of and the reeve is hereby authorized to sign such agreement.

(Sgd.) A. MACPHERSON,
Clerk.

(Sgd.) J. D. EVANS,
Reeve.

* * * * * 54 V. c. 96, Sched. B.

SCHEDULE "C."

(Section 1.)

This indenture made in duplicate the twenty-third day of December, one thousand eight hundred and ninety.



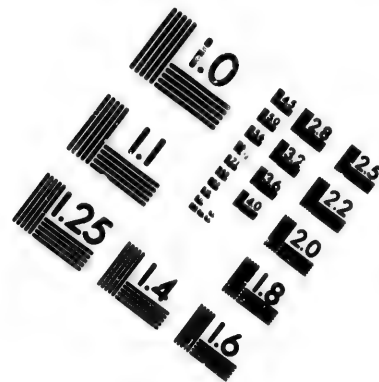
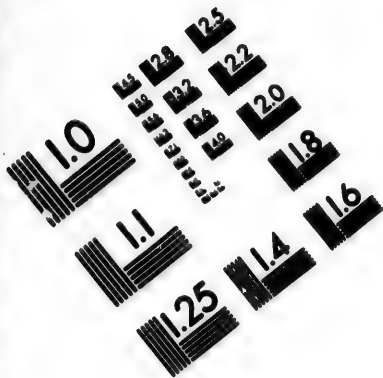
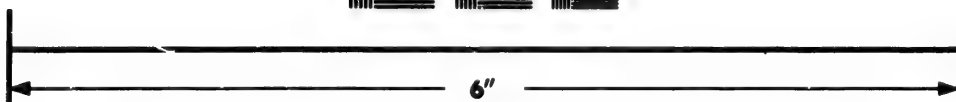
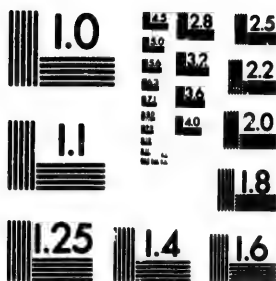


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Between the corporation of the county of York, of the first part, and the Toronto and Mimico Electric Railway and Light Company (limited), hereinafter called "the company" of the second part.

Whereas certain persons were by letters patent, under the great seal of the Province of Ontario, bearing date the fourteenth day of November, A.D. 1890, incorporated as a body corporate and politic for the purposes therein mentioned by the name of "The Toronto and Mimico Electric Railway and Light Company (limited)."

And whereas the said company was in and by said letters patent among other things empowered to construct, maintain, complete and operate, and from time to time, remove and change double or single track, iron or wooden railways, with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon, along and across such streets and highways, and railway tracks or lines within the municipalities of the townships of York and Etobicoke and the city of Toronto, under and subject to any agreement thereafter to be made between the councils of the said municipalities and railway company respectively, and the said company as to the maintenance, construction and repairs of roadway and renewal thereof, and grade and style of rail and all other matters and things relating to roadway and walks, and under and subject to any by-laws of the said municipalities respectively or any of them made in pursuance thereof, and to take, transport and carry passengers and freight by the force of power of electricity, and to use and construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas in and by the said Act, full power and authority was given to the company to use and occupy any and such parts of any of the streets or highways aforesaid, as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages, provided that the consent of the said municipalities, respectively, shall be first had and obtained, which are by the said Act, respectively, authorized to grant permission to the company to construct their railway as aforesaid, within their respective limits across and along and to use and occupy the said streets and highways or any part of them for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the company and the said municipalities by their councils aforesaid or any of them.

And whereas in and by said letters patent, the councils of the said several municipalities, or any of them, and the said company are respectively authorized to make and

enter into any agreements or covenants relating to the construction of the said railways for the paving, macadamizing, repairing, grading and cleaning of the streets and highways, and the construction, opening up and repairing of drains and sewers, and the laying of gas and water pipes in the said streets and highways and location of the railway, and the particular streets along which the same shall be laid the pattern of the rails, the time and speed of running the cars, the time within which the roads shall be commenced and the time of completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the said company have petitioned the municipal council of the county of York to sanction the construction and operation by the company of an electric railway in, along and upon all that portion of the Lake Shore road, one of the York roads which is owned by the said county and which is hereinafter defined, and have asked that certain other privileges and immunities should be granted to the company, their successors or assigns; and the company have proposed to construct and operate such electric railway upon the said road and are desirous of obtaining the necessary permission.

And whereas the parties hereto of the first part, being the corporation of the county of York, are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as hereinafter contained.

Now this indenture witnesseth, that the said parties of the first part and the company have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns, be permitted without let or hindrance from the said parties of the first part, their successors or assigns, to construct, maintain, complete and operate, and from time to time, remove and repair an iron or steel railway track or tramway, to be a single track only, with the necessary culverts, switches and turnouts, such switches and turnouts not to exceed three in number, besides one at each end, nor one hundred feet each in length clear of curves for the passage of cars, carriages and other vehicles adapted to the same, in, upon and along that portion of the Lake Shore road lying between the western limit of Roncesvalles avenue, produced southerly on Queen street, in the city of Toronto, and the western limit of the county's road, now known as the Lake Shore road, together with a switch or turnout for the purpose of leading to or from their said railway or tramway to the power house of the said com-

pany, situated on the north side of the road and switches or turnouts leading from their said railway or tramway to streets leading on the north to and from the said Lake Shore road aforesaid.

Such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provision of this agreement, and in all cases where switches and turnouts are constructed, the said company, their successors or assigns, shall extend the road, metal or plank, on the macadamized or planked portion of the road, to a distance of at least sixteen feet beyond the rail nearest the ordinarily travelled road, the full length of such siding.

2. All works necessary for constructing and laying down the railway or tramway shall be made in a substantial manner according to the then best modern practice under the supervision of the county engineer for the time being, and to the satisfaction of the corporation of the county of York.

3. The roadway, track and rails of the said railway or tramway shall be located and constructed on the south side from Roncesvalles avenue as far west as the Grand Trunk Railway crossing, and after crossing the said railway track, then on the north side only of said street to the end thereof, as shewn by the plans attached hereto marked "A." All the space between the rails, and at least one foot six inches from the outside of and up to and joining the rail next adjoining the macadam, gravel or roadway, and all those portions of the opposite rail where directed by the county engineer or the parties of the first part, shall be paved or macadamized and kept constantly in good order and repair, and shall be maintained flush with rails of the said railway or tramway, by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings, of a character approved by the parties of the first part, within the limits aforesaid at the intersection of every such railway or tramway, track and cross street or highway now opened or that may hereafter be opened, and wherever, bridges, culverts or waterways are found necessary for drainage or other purposes in the opinion of the county engineer or the parties of the first part, and those culverts or waterways already constructed shall be extended as directed. The river Humber shall be crossed by an independent bridge built by the company on the north side of the present bridge.

4. The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished by the county engineer, or the party of the first part, and

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shall not in any way change or alter the same, except with the approval of the said engineer or the party of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases when required by the said engineer, the said company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and re-metal the same. The top of the rails shall be laid flush with the street, and shall be always kept flush with the street and the gauge of the said railway or tramways, shall be uniform with the street tramways of the city of Toronto, or the standard electric railway gauge in the discretion of the company. There shall also be fender planks the thickness of the depth of the rail, and twelve inches wide, spiked close to both rails both on the inside and outside of said rails the full length of the road, omitting only such portions as may be permitted by the said engineer or the parties of the first part, the same to facilitate the crossing of said rails by vehicles.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof shewing the position of the rails and other works on said street shall have been submitted to and approved of by the warden, county commissioners and engineer.

6. It is also agreed between the parties hereto that the said company, their successors or assigns, shall extend the Lake Shore road to its full width on that portion between the Grand Trunk Railroad crossing and the road known as the Indian road, also the westerly 800 feet across lot 37 as shewn by plans filed in the Crown lands department establishing the width of said road, such extension to be commenced and carried to completion with the utmost dispatch when directed by the party of the first part. The parties of the first part will assist the railway or tramway company at the expense of the parties of the second part to have the fence of the Grand Trunk Railway where it infringes upon the original Lake Shore road, removed and placed in proper location.

7. That the parties of the first part, or their assigns, shall have the right to take up any part of the streets or highways traversed by the rails either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains or culverts or side-crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation, without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway or works connected therewith, and in

prosecuting such works, should any change be made in the grade of the Lake Shore road by orders of the engineer or the parties of the first part, or their assigns, the said company, their successors or assigns shall without delay make its road or track conform with such changed grade of road so made.

8. The rails and cars to be used by the said company, their successors or assigns shall be of the latest approved pattern, the same to be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway [or highway] occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their successors or assigns, it being provided, however, that the cars of the said company their successors or assigns shall have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

9. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden, and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction may be granted upon a certificate from the county engineer, declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement in that behalf.

10. The company, their successors or assigns, shall run at least two cars each way, morning and evening, on a regular time table, at such hours as will best meet the wants of the residents and the general public.

11. In case the electric motor or cars used by the company, their successors or assigns, in operating the said road, whilst passing along the railway or tramway shall cause alarm to any horses travelling or being upon said roadway with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable the horses so alarmed to pass, and the servants of the said company shall assist the person or persons riding, driving, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway. So far as safely can be done without causing alarm or injury to

horses or vehicles upon said roadway, the speed of the cars may be increased, not, however, to exceed at any time twelve miles per hour.

12. The conductors shall announce to the passengers the names of the stations, streets, highways and public squares as the cars reach them.

13. When the accumulation of ice or snow is, in the opinion of the county engineer or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer.

And when the snow is removed from the track the company shall slant down the snow on the roadway, so as to be convenient for the travelling public, to the satisfaction of the said engineer.

14. No higher fare than five cents shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein.

15. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part, and their assigns, in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part, or their assigns, all sums payable by or recovered against the said parties of the first part, or their assigns, in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part, or their assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

16. Should the company, their successors or assigns, neglect to keep their track, or road, or crossings, or bal-lastings in good condition according to the terms of this agreement, or to have the necessary repairs according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forth-with made; and it is agreed between the parties hereto, that a certificate of the engineer, for the time being of the parties of the first part, as to the necessity of such repairs, in order to keep the said track, or roadway, or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence, and complete within fifteen days from receipt

of such notice or such further time as the said engineer may allow, this agreement shall be null and void and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in proper state of repair at the expense of the said company, their successors or assigns; the said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

17. The privilege and franchise granted by this agreement shall extend over a period of twenty-one years from the date hereof, and the said company, their successors or assigns, and its cars, carriages, and other vehicles, and horses and other motive power, shall, whether running the full distance or any shorter distance named in the first enacting section herein, or whether passing through a toll-gate or not, pay the fees, tolls or licenses upon the said street and highway above mentioned, the same as may be determined by the by-laws of the said county, passed from time to time, to regulate tolls on the York roads.

18. Upon the expiration of the privilege and franchise granted by this agreement the company, their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisoes and stipulations as may be agreed upon between the county or their successors on the one part, and the company, their successors or assigns, on the other part, and in case the said parties are unable to agree, then upon such terms, conditions, covenants, provisoes and stipulations as may from time to time on each such renewal be determined upon by arbitration, to be appointed under the provisions of *The Municipal Act*, provided however, that [at] the expiration of the existing privileges and franchise granted herein, the parties of the first part may, upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of the said existing privilege and franchise, assume the ownership of the railways and tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof, on payment of the value of the same, to be determined by arbitration.

19. That until such time as the said parties of the first part discontinue the collection of tolls on the Lake Shore road above referred to, the said company, their successors or assigns, and its cars, carriages and other vehicles shall, whether running the full distance or any distance shorter than that named in the first enacting section herein, or whether passing through a toll-gate or not, pay the fees, tolls or license upon the said street and highway above mentioned, the same as may be determined by the by-

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laws of the said parties of the first part, passed from time to time, to regulate tolls on the York roads.

20. As soon as the said parties of the first part shall discontinue the collection of tolls upon the Lake Shore road, the said company, their successors or assigns, shall, if requested by the parties of the first part, take over and maintain the whole or any part of the said Lake Shore road hereinbefore described, and shall keep it in such good and proper state of repair as shall meet with the approval of the engineer of the said parties of the first part, provided however, that if, after due notice having been given to the company, their successors or assigns, the road be not properly kept in repair to the satisfaction of the said engineer, he shall be entitled to enter and have the same repaired at the expense of the company, their successors or assigns.

21. The company, their successors or assigns, shall construct and have open for travel their proposed line of railway or tramway, within two years from the first day of January, one thousand eight hundred and ninety-one, and in default thereof, the company, their successors or assigns, shall forfeit all the rights, privileges, and advantages granted by this agreement or acquired thereunder, and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted, and the consent of the parties of the first part had not been had or obtained by the company, as provided for in the said hereinbefore in part recited letters patent.

22. The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway, in, along, and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained.

23. The council of the county of York, for the time being, shall be entitled to be represented by a director on the board of the said company, appointed annually by the county council, and to vote upon all matters and questions relating to the construction, location, maintenance, and repairs of the railway.

24. No motive power other than electricity or horse power shall be used on the said road in any way, at any time.

25. The services of the said county engineer in all cases to be paid by the company.

26. That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said county of York, now in force, or that may be hereafter passed in respect to highways, as far as practicable.

27. Provided always, and it is hereby agreed, by and between the parties of the first part and the said company, their successors and assigns, that the said company, their successors and assigns, shall commence the building of such road not later than the first day of August next ensuing hereof, and shall complete the same not later than the time hereinbefore mentioned.

In witness whereof, the said corporation of the county of York, have caused their corporate seal to be hereunto affixed, and the warden and clerk thereof, have set their respective hands, and the said company have caused their corporate seal to be hereunto affixed, and the president thereof has set his hand, the day and year first above written.

Signed, sealed and delivered
in the presence of,

[Sgd.] GEO. W. MCFARLEN,
Assistant Engineer.

[Sgd.] J. D. EVANS,
Warden. [Seal.]

[Sgd.] GEO. EAKIN,
Clerk. [Seal.]

[Sgd.] F. BARLOW CUMBERLAND,
President. [Seal.]

[Sgd.] J. DAWSON,
Secretary.

SCHEDULE "D."

(Section 1.)

This indenture made in duplicate the twenty-fourth day of January, one thousand eight hundred and ninety-one, between the corporation of the township of Etobicoke, one of the municipalities in the county of York, of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called the company, of the second part.

Whereas certain persons were by letters patent, under the great seal of the Province of Ontario, bearing date the fourteenth day of November, A.D. 1890, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Mimico Electric Railway and Light Company (Limited)."

And whereas the said company was, in and by said letters patent among other things empowered to construct,

maintain, complete and operate, and from time to time remove and change double or single track, iron or wooden railways, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon, and along and across such streets and highways, and railway tracks or lines within the municipalities of the townships of York and Etobicoke, and the city of Toronto, under and subject to any agreement thereafter to be made between the councils of the said municipalities, and the said company as to the maintenance, construction and repairs of roadway and renewal thereof, and grade and style of rail, and all other matters and things relating to roadway and walks; and under and subject to any by-laws of the said municipalities, respectively, or any of them made in pursuance thereof, and to take, transport, and carry passengers and freight by the force or power of electricity, and to use, and construct, and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas full power and authority was given to the company to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track, and the laying of the rails, and the running of their cars and carriages, provided that the consent of the said municipalities respectively shall be first had and obtained, which are by the said Act respectively authorized to grant permission to the company to construct their railway as aforesaid, within their respective limits across and along; and to use and occupy the said streets and highways or any part of them, for that purpose, upon such conditions, and for such period or periods as may be respectively agreed upon between the company and the said municipalities by their councils aforesaid or any of them.

And whereas in and by said letters patent the councils of the said several municipalities or any of them, and the said company are respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railways, for the paving, macadamizing, repairing, grading and clearing of the streets and highways, and the construction, opening up, and repairing of drains and sewers, and the laying of gas and water pipes in said streets and highways and location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the time within which the road shall be commenced and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the said company have petitioned the municipal council of the township of Etobicoke to sanction

the construction and operation by the company of an electric railway in, along and upon all that portion of the Lake Shore road which is owned by the said township and which is hereinafter defined, and have asked that certain other privileges and immunities should be granted to the company, their successors or assigns; and the company have proposed to construct and operate such electric railway upon the said road and are desirous of obtaining the necessary permission.

And whereas the parties hereto of the first part, being the corporation of the township of Etobicoke, are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said parties of the first part and the company have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:

(1) That the company, their successors and assigns be permitted without let or hindrance from the said parties of the first part, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair an iron or steel railway track or tramway to be a single track only with the necessary culverts switches and turnouts, such switches and turnouts not to exceed two in number in each mile besides one at each end, nor one hundred feet each in length, clear of curves, for the passage of cars, carriages and other vehicles adapted to the same, in, upon and along that portion of the Lake Shore road lying between the western limit of that portion of the Lake Shore road at present owned by the county of York and the present westerly limit of the property known as Long Branch Park, together with a switch or turnout for the purpose of leading to or from their said railway or tramway to a power house of the said company situated on the north side of the road, and switches or turnouts leading from their said railway or tramway to streets leading to and from the said Lake Shore road aforesaid. Such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement; and in all cases where switches and turnouts are constructed, the said company, their successors or assigns shall extend the road metal of the same character as that used on that portion of the road, so that it shall extend to a distance of at least sixteen feet beyond the rail nearest the ordinarily travelled road the full length of such siding.

(2) All works necessary for constructing and laying down the railway or tramway shall be made in a substan-

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tial manner according to the then best modern practice under the supervision of the township engineer for the time being and to the satisfaction of the corporation of the township of Etobicoke.

(3) The roadway, track and rails of the said railway or tramway shall be located and constructed on the north side only of said street, so that the centre of the railway track shall be at a uniform distance of ten feet from the northerly boundary of said street, excepting where it may be mutually agreed upon that it shall be placed at a different distance from the said boundary so as to leave the roadway clear for the travelling public. All the space between the rails and at least one foot six inches from the outside of and up to and adjoining the rail next adjoining the macadam, gravel, or roadway where directed by the township engineer or the parties of the first part, shall be macadamized and kept constantly in good order and repair, and shall be maintained flush with the rails of the said railway or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the parties of the first part within the limits aforesaid at the intersection of every such railway or tramway track and cross street or highway now opened or that may hereafter be opened, and whenever bridges, culverts or waterways are found necessary for drainage or other purposes in the opinion of the township engineer or the parties of the first part, they shall be constructed under their own track by the company, and those culverts, waterways or ditches already constructed shall be extended or altered as directed. The Mimico river shall be crossed by an independent bridge built by the company on the north side of the present bridge.

(4) The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished by the township engineer or the parties of the first part, and shall not in any way change or alter the same, except with the approval of the said engineer or the parties of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases, when required by the said engineer, the said company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and re-metal the same. The top of the rails shall be laid flush with the street and shall be always kept flush with the street, and the gauge of the said railway or tramway shall be uniform with the street tramways of the city of Toronto or the standard electric railway gauge in the discretion of the company. There shall also be fender planks the thick-

ness of the depth of the rail and twelve inches wide, spiked close to both rails both on the inside and outside of said rails upon such portions as may be required by the said engineer or the parties of the first part, the same to facilitate the crossing of said rails by vehicles.

(5) The location of the line of railway in the said street or highway shall not be made until the plans thereof, shewing the position of the rails and other works on the said street, shall have been submitted to and approved of by the township engineer and the reeve of the said township.

(6) That the parties of the first part shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains, or culverts, or side crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway, or works connected therewith, and such alterations or repairs shall be made in such way as shall interfere as little as practicable with the convenient work of the railway, and in prosecuting such works, should any change be made in the grade of the Lake Shore road by orders of the engineer or the parties of the first part, the said company shall without delay make the road or track conform with such changed grade of road so made.

(7) The rails and cars to be used by the said company, their successors or assigns, shall be of the latest approved pattern, the same to be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon any portion of the said travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, their successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

(8) The railway or tramway shall not be opened to the public nor put in operation until the sanction of the township council has been previously obtained by enacting a special resolution to that effect and such sanction may be granted upon a certificate from the township engineer de-

claring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement in that behalf.

(9) The company, their successors or assigns, shall run at least two cars each way morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public.

(10) In case the electric motor or cars, used by the company, their successors or assigns, in operating the said road, whilst passing along the railway or tramway shall cause alarm to any horse travelling or being upon said roadway with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable the horses so alarmed to pass the said motor and the servants of the said company shall assist the person or persons riding, driving, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway, the speed of the cars may be increased, not, however, to exceed, when on the public highway, at any time, to twelve miles per hour.

(11) The conductors shall announce to the passengers the names of the stations, streets, highways and public squares as the cars reach them.

(12) When the accumulation of ice or snow is, in the opinion of the township engineer or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer; and when the snow is removed from the track, the company shall slant down the snow on the roadway so as to be convenient to the travelling public to the satisfaction of the said engineer.

(13) No higher fare than fifteen cents shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein.

(14) The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails or cars of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part all sums payable by or recovered against the said parties of the first part in respect of any such claim, together with all costs of or incidental to such claims incurred by the parties of the first part, and such claims and costs shall be a first lien on the

property of the company, their successors or assigns; provided, however, that the company, their successors or assigns, shall have been notified by the parties of the first part upon any such claim having been made.

(15) Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement or to have the necessary repairs, according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the engineer for the time being of the parties of the first part as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if, after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence, and complete within fifteen days from the receipt of such notice or such further time as the said engineer may allow, this agreement may by resolution of the parties of the first part be declared null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns. The said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

(16) The privilege and franchise granted by this agreement shall extend over a period of twenty-one years from the date hereof.

(17) Upon the expiration of the privilege and franchise granted by this agreement, the company their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisos and stipulations as may be agreed upon between the parties of the first part on the one part and the company, their successors or assigns, on the other part, and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisos and stipulations as may from time to time on each such renewal be determined upon by arbitrators to be appointed under the provisions of *The Municipal Act*; provided, however, that at the expiration of the existing privilege and franchise granted herein, the parties of the first part may upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of said existing privilege and franchise assume the ownership of the railways and

tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof on payment of the value of the same to be determined by arbitration.

(18) The company, their successors or assigns, shall construct and have open for travel their proposed line of railway or tramway as far as block K west of Seventh street, shewn on plan No. 1043 registered by the Mimico Real Estate Security Company, within two years, and as far as Mimico avenue within three years from the first day of January, one thousand eight hundred and ninety-one, and in default thereof the company, their successors or assigns, shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder; and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted and the consent of the parties of the first part had not been had or obtained by the company as provided for in the said hereinbefore in part recited letters patent.

(19) The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained.

(20) The parties of the first part for the time being shall be entitled to be represented by a director on the board of the said company, appointed annually by the township council and to vote upon all matters and questions relating to the construction, location, maintenance and repair of the roadway.

(21) No motive power other than electricity and horsepower shall be used on the said road in any way at any time.

(22) The services of the said township engineer in all cases to be paid by the company.

(23) That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said township of Etobicoke now in force or that may hereafter be passed in respect to highways as far as practicable.

(24) Provided always, and it is hereby agreed by and between the parties of the first part and the said company, their successors or assigns, that the said company shall commence the building of such road not later than the first day of March, 1892, and shall complete the same not later than the time hereinbefore mentioned.

(25) Provided also in the event of any other company proposing to construct railways on any of the streets in that section of the said township lying south of the present Grand Trunk Railway track, which are not occu-

pied by the said company to whom the privileges are hereby granted, the nature of the proposal thus made shall be communicated to the said parties of the second part, and the option of constructing such proposed railway shall be offered to them, but if such preference is not accepted within six months, then the said parties of the first part may grant the privilege to any such company.

(26) And provided also, that in case the said parties of the first part at the time of any renewal of the franchise hereby granted shall be of opinion that the operation of the said railway might interfere less with the travelling public and with the carrying on of business on the Lake Shore road by having the same removed from the location in which it is first placed to the centre or travelled part of the Lake Shore road, the said parties of the first part may, having given two years' previous notice in writing, order the said company to remove their said track as aforesaid, the said company hereby agreeing to carry on and have completed the work of such removal within three years from the receipt of such notice.

In witness whereof, the said corporation of the township of Etobicoke have set their corporate seal to be hereunto affixed, and the reeve and clerk thereof have set their respective hands and the said company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered in the presence of,

(Sgd.) J. D. EVANS, [SEAL]
Reeve.

(Sgd.) ALEX. MACPHERSON,
Clerk.

(Sgd.) F. BARLOW CUMBERLAND, [SEAL]
President.

(Sgd.) J. DAWSON,
Secretary.

54 V. c. 96 Sched. D.

55 Vict. c. 98 (Ont.)

An Act respecting the Toronto and Mimico Electric Railway and Light Company (Limited).

[Assented to 14th April, 1892.]

Preamble.

WHEREAS a petition has been presented by the Toronto and Mimico Electric Railway and Light Company

(Limited) praying that an Act may be passed granting powers of expropriation for the purposes of their railway; and also confirming the two indentures set forth in schedules "A" and "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company are hereby authorized and empowered to make, carry, or place their railway across or upon, and to enter upon and take for the purposes of their proposed railway, the following lands, that is to say:—Firstly—That parcel of land lying between the north limit of the lake shore belonging to the corporation of the county of York and the south fence of the Grand Trunk Railway Company along the front of what was known as lot 37 in the broken front concession of the township of York. Secondly—That parcel of land thirty feet wide bounded on the north by the south fence of the Grand Trunk Railway Company, and being the northerly thirty feet of the parcel of land formerly known as the Parkdale water works lot, and extending from a point south of the place where the Lake Shore road aforesaid crosses the Grand Trunk Railway in front of lot 35 in the broken front concession of the township of York, easterly to the line of the southerly limit of Queen street if extended across the said Grand Trunk Railway. Thirdly—A parcel of land not to exceed one-half an acre of land lying on the south side of Queen street in the city of Toronto, between the westerly part of King street and the north fence of the Grand Trunk Railway Company; the said secondly above described parcel of land being necessary and to be used only for the construction of an overhead bridge over the Grand Trunk Railway, which with the approaches thereto and the works connected therewith shall be made, constructed and maintained, subject to the approval of the engineer of the public works department of the Province of Ontario or of an engineer to be appointed by the commissioner of public works for Ontario, and the said three parcels of land being necessary for the construction, maintenance, accommodation and use of the said street railway, or for other purposes of the company subject to the provisions of *The Railway Act of Ontario* as regards the power and authority to take such lands, the mode of taking, the compensation to be paid therefor, and the damages suffered from the exercise of such power, and with all power and authority therein conferred upon railways.

Power to expropriate land.

Rev. Stat. c. 170.

Provided always that the said company shall make, carry and place their railway across and along the secondly above described parcel of land so as to preserve

access to the Lake Shore road in connection with and appurtenant to the said Parkdale water works lot, as fully as at present for horses, carriages and persons. 55 V. c. 98, s. 1.

Agreements confirmed.

2. The indentures made between the corporation of the county of York and the Toronto and Mimico Electric Railway and Light Company (Limited), and dated respectively the 16th day of January, A.D., 1892, copies of which are set out in the schedules "A" and "B" hereto and the several provisions thereof are hereby declared to be binding on the parties thereto and to give to the company all rights and powers which the county possessed and purported to give. 55 V. 98, s. 2.

SCHEDULE "A."

(Section 2.)

This indenture, made in duplicate, this sixteenth day of January, one thousand eight hundred and ninety-two, between the corporation of the county of York, hereinafter called "the county" of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called "the company," of the second part.

Whereas the said company was by indenture dated the 23rd day of December, one thousand eight hundred and ninety, granted by the county permission to construct, maintain, complete and operate an electric railway or tramway along or upon that portion of the Lake Shore road lying between the western limit of Roncesvalles avenue produced southerly in the city of Toronto and the western limit of the county's road now known as the Lake Shore road, subject to such conditions, restrictions and regulations as are more particularly set forth in the said indenture. And whereas on or about the 12th day of July, 1884, the county leased to the corporation of the village of Parkdale that portion of the Lake Shore road lying between Dufferin street and Roncesvalles avenue for the term of twenty-one years from the date of said indenture. And whereas the council of the corporation of the county of York have expressed their willingness to give the company such rights as the county may have the power to give the company, to construct, maintain and operate an electric railway or tramway over the said last mentioned portion of the Lake Shore road, until the expiration of the term demised to the corporation of the village of Parkdale by the said indenture of lease.

Now therefore this indenture witnesseth that the said parties of the first part and the said parties of the second

part have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns, be permitted without let or hindrance from the county, their successors or assigns, to construct, maintain, complete and operate and from time to time remove and repair an iron or steel railway track or tramway, to be a double track in, upon and along that portion of the Lake Shore road lying between the western limit of Dufferin street and the western limit of Roncesvalles avenue produced southerly on Queen street in the city of Toronto for the full space and term of thirteen years and six months from the 12th day of January, 1892, being the balance of the term for which the said portion of the said Lake Shore road was demised or leased to the corporation of the village of Parkdale by indenture bearing date the 12th day of July, 1884, such railway being of approved construction and worked under such regulations as may be necessary, for the protection of the inhabitants and the general public and being subject always to the provisions of this agreement. Provided, however, and it is hereby agreed between the parties hereto that this clause shall be construed to give to the parties of the second part such rights only as the county have power to give them during the currency of the term demised by the county to the corporation of the village of Parkdale by the said indenture of lease.

2. All works necessary for constructing and laying down rails or tramways shall be made in a substantial manner according to the then existing modern practice under the supervision of such officer as may be appointed by the county for that purpose and to the satisfaction of the corporation of the county of York.

3. The roadway, tracks and rails of the said railway or tramway shall be located and constructed on such place within the above mentioned portion of the Lake Shore road as shall be decided upon by such officer as aforesaid. All space between the rails and between the tracks and at least one foot six inches from the outside of each track shall be paved, and kept constantly in good order and repair and shall be maintained flush with the rails of the said railways or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the party of the first part within the limits aforesaid at the intersection of each such railway or tramway track and cross street or highway now opened or that may hereafter be opened within the above mentioned portion of the Lake Shore road.

4. The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished

by such officer as aforesaid, or the party of the first part and shall not in any way be changed or altered, except with the approval of the said officer or the party of the first part; but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such case when required by the said officer, the said company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and repave the same. The top of the rails shall be laid flush with the street and shall always be kept flush therewith and the gauge of the said railway or tramway shall be uniform with the street railways of the city of Toronto, or the standard electric railway gauge, in the discretion of the company.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof shewing the position of the rails and other works on said street shall have been submitted to and approved of by the warden and county commissioners as aforesaid.

6. That the parties of the first part, or their assigns, shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers, or drains, or culverts, or side-crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation, without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway, or works connected therewith; and in prosecuting such works, should any change be made in the grade of the Lake Shore road by orders of the officer aforesaid or the parties of the first part or their assigns, the said company, their successors or assigns shall, without delay, make its road or track conform with such changed grade of road so made.

7. The rails and cars to be used by the said company, their successors or assigns, shall be of the latest approved pattern, the same to be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway [*qu.* highway] occupied by the said railway or tramway, in the same manner as upon other portions of the highway, and vehicles of every description to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their successors or assigns, it being provided, however, that the cars of the said company, their successors or assigns, shall have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway

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occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

8. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction may be granted upon a certificate from the officer appointed as aforesaid, declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement on that behalf.

9. The company, their successors or assigns, shall run at least ten cars each way morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public. The speed of the said cars not to exceed twelve miles an hour.

10. The conductors shall announce to the passengers the names of the stations, streets, highways, and public squares, as the cars reach them.

11. When the accumulation of ice or snow is, in the opinion of the officer as aforesaid or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him or them, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said officer. And when the snow is removed from the track the company shall slant down the snow on the roadway so as to be convenient for the travelling public, to the satisfaction of the said officer.

12. No higher fare than is allowed by the charter and franchise granted by the corporation of the city of Toronto to the Toronto Street Railway Company shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein, and tickets shall be sold at the same rates as provided for in said city charter.

13. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part and their assigns in all respects harmless in respect thereof, and upon demand, shall forthwith pay to the said parties of the first part, or their assigns, all sums payable by or recovered against the said parties of the first part or their assigns in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part or their

assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

14. Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition, according to the terms of this agreement, or to have the necessary repairs according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the officer appointed as aforesaid for the time being of the parties of the first part, as to the necessity of such repairs in order to keep the said track, or roadway, or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin to carry to completion with all reasonable diligence and complete within fifteen days from receipt of such notice, or such further time as the said officer may allow, this agreement shall be null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns; the said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

15. The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained for the period above mentioned, and subject to the proviso expressed in the first paragraph of this indenture.

16. The council of the county of York for the time being shall be entitled to be represented by a director on the board of the said company appointed annually by the county council, and to vote upon all matters and questions relating to the construction, location, maintenance and repairs of the railway.

17. No motive power other than electricity or horse power shall be used on the said road in any way, at any time.

18. The services of the said officer in all cases to be paid by the company.

19. That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said county of York, now in force or that may be hereafter passed in respect to highways as far as practicable.

20. It is expressly understood and agreed between the parties hereto that this indenture is to be construed as

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giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby assumed to be given, that thereupon this indenture shall be null and void and of no effect.

21. And the parties of the second part for themselves, their successors and assigns covenant and agree with the parties of the first part, their successors and assigns, that they the parties of the second part will forever hold harmless and indemnified the parties of the first part, their successors and assigns, from all damages, costs, and charges arising out of or in consequence of or in connection with the prosecution or defence of any suit, action or proceeding that may be undertaken at the instance of the parties of the second part or their assigns for the purpose of ascertaining or declaring what powers may be possessed by the said parties of the first part to give an exclusive or other right to erect or maintain tracks or railways on the portion of the Lake Shore road in this indenture referred to or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture. The said parties of the first part hereby agreeing to prosecute or defend in the name of the county of York any action under this section which the said parties of the second part deem advisable in their interests to be prosecuted or defended.

Provided that before the said county shall be bound to enter upon any such prosecution or defence the company or their assigns shall give such security as may be approved of by the warden and county commissioners for the performance and fulfilment of the indemnification provided for by this section.

In witness whereof the corporation of the county of York has hereunto affixed its corporate seal by the hand of the warden and clerk of said county, and the said the Toronto and Mimico Electric Railway and Light Company (Limited), has affixed its corporate seal by the hands of the president.

Signed, sealed and executed in the presence of	}	(Sgd.) W. H. PUGSLEY, Warden.
		(Sgd.) GEO. EAKIN, Clerk.

GEO. W. MCFARLEN.

(Sgd.) F. BARLOW CUMBERLAND, *President.*

(Sgd.) J. DAWSON, *Secretary.*

SCHEDULE "B."

(Section 2.)

This indenture, made in duplicate this sixteenth day of January, one thousand eight hundred and ninety-two, between the corporation of the county of York, hereinafter called "the county," of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called "the company," of the second part.

Whereas the said company was by indenture dated the twenty-third day of December, one thousand, eight hundred and ninety, granted by the county permission to construct, maintain, complete and operate, an electric railway or tramway upon and along that portion of the Lake Shore road, lying between the western limit of Roncesvalles avenue, producing southerly on Queen street, in the city of Toronto and the western limit of the county's road, known as the Lake Shore road, subject to such conditions, restrictions and regulations as are more particularly set forth in the said indenture.

And whereas on or about the 12th day of July, 1884, the county leased to the corporation of the village of Parkdale that portion of the Lake Shore road lying between Dufferin street and Roncesvalles avenue, for a term of twenty-one years from the date of said indenture.

And whereas the council of the corporation of the county of York have expressed their willingness to give the company certain rights to maintain and operate an electric railway or tramway over the said last-mentioned portion of the Lake Shore road, after the expiration of the term demised to the corporation of the village of Parkdale by the said indenture of lease, and until the 23rd day of December, 1911.

Now therefore, this indenture witnesseth that the said parties of the first part and the said parties of the second part have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns, be permitted without let or hindrance from the county, their successors or assigns to construct, maintain, complete and operate, and from time to time remove and repair, an iron or steel railway track or tramway, to be a double track in, upon and along that portion of the Lake Shore road lying between the western limit of Dufferin street and the western limit of Roncesvalles avenue, producing southerly on Queen street, in the city of Toronto, from the 12th day of July, 1905, being the date of the expiration of the lease of the said portion of the said Lake Shore road to the cor-

poration of the village of Parkdale by indenture, bearing date the 12th of July, 1884, until the 23rd day of December, 1911, such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement, provided, however, and it is hereby agreed between the parties hereto that this clause shall be construed to give to the parties of the second part such rights only as the county have power to give them during the time between the expiration of the term demised by the county to the corporation of the village of Parkdale, by the said indenture of lease, and the said 23rd day of December, 1911.

Provided also, and it is hereby agreed between the parties hereto that the said permission shall not be construed to give an exclusive right or franchise, but such right or franchise shall be subject to any agreement respecting a similar use of the said portion of the Lake Shore road that may be made between the corporation of the county of York and any other corporation or person, and said permission or franchise is to be construed as giving a right only of operating a surface street railway over the said portion of the Lake Shore road, and if the said corporation of the county of York so desires it may give a similar permission or franchise to any other corporation or person, subject to such terms and conditions as may be agreed upon between the county of York aforesaid and such other corporation or person, provided always that all rights and privileges granted, or intended to be granted to the said company under this agreement shall be preserved.

2. All works necessary for constructing and laying down rails or tramways shall be made in a substantial manner according to the then existing modern practice under the supervision of such officer as may be appointed by the county for that purpose, and to the satisfaction of the corporation of the county of York.

3. The roadway, track and rails of the said railway or tramway shall be located and constructed on such place within the above mentioned portion of the Lake Shore road as shall be decided upon by such officer as aforesaid. All space between the rails and between the tracks and at least one foot six inches from the outside of each track shall be paved and kept constantly in good order and repair, and shall be maintained flush with the rails of the said railway or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the parties of the first part within the limits aforesaid at the intersection of each such railway or tramway track and cross street or highway now opened or that may hereafter be opened within the above mentioned portion of the Lake Shore road.

4. The track and turnouts shall conform to the grades of the said street, or such other grades as may be furnished by such officer as aforesaid or the party of the first part, and shall not in any way be changed or altered except with the approval of the said officer or the party of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway, to lay the same at a different grade from the street or road, then in such cases when required by the said officer the said company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and repave the same. The top of the rails shall be laid flush with the street, and shall always be kept flush therewith, and the gauge of the said railway or tramway shall be uniform with the street railways of the city of Toronto or the standard electric railway gauge in the discretion of the company.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof shewing the position of the rails and other works on said street shall have been submitted to and approved of by the warden and county commissioners as aforesaid.

6. That the parties of the first part or their assigns shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains or culverts or side crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages, or otherwise occasioned to the working of the railway or tramway or works connected therewith, and in prosecuting such works should any change be made in the grade of the Lake Shore road by orders of the officer aforesaid or the parties of the first part or their assigns, the said company, their successors or assigns, shall, without delay make its road or track conform with such changed grade of road so made.

7. The rails and cars to be used by the said company, their successors or assigns, shall be of such pattern as shall be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway [*qu.* highway] occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their successors or assigns, it being provided however that the cars of the said company, their successors or assigns, shall have the first right of way over the said

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railway or tramway except in case of any corporation or person being granted a similar right or franchise as is hereby assumed to be given to the parties of the second part, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway except as aforesaid, shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

8. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction may be granted upon a certificate from the officer appointed as aforesaid declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement on that behalf.

9. The company, their successors or assigns, shall run at least ten cars each way morning and evening on a regular time-table at such hours as will best meet the wants of the residents and the general public. The speed of such cars not to exceed twelve miles an hour.

10. The conductor shall announce to the passengers the names of the stations, streets, highways and public squares as the cars reach them.

11. When the accumulation of ice or snow is, in the opinion of the officer aforesaid, or the parties of the first part, sufficient to impede the running of the cars the company shall, on receiving notice from him or them remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said officer. And when the snow is removed from the track the company shall slant down the snow on the roadway so as to be convenient for the travelling public to the satisfaction of the said officer.

12. No higher fare than is allowed by the charter and franchise granted by the corporation of the city of Toronto to the Toronto Street Railway Company shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein, and tickets shall be sold at the same rates as provided for in the said city charter.

13. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said company, their successors or assigns shall hold the said parties of the first part and their assigns in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part or their assigns all sums payable by or recovered against the said parties

of the first part or their assigns in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part or their assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

14. Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement or to have the necessary repairs, according to this agreement, made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the officer appointed as aforesaid for the time being of the parties of the first part as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence and complete within fifteen days from receipt of such notice or such further time as the said officer may allow, this agreement shall be null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns, the said company for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

15. The company, their successors or assigns, shall have a right, but not the exclusive right, and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained for the period above mentioned and subject to the proviso expressed in the first paragraph of this indenture and the whole of the provisions of clause 21 hereof.

16. The council of the county of York for the time being shall be entitled to be represented by a director on the board of the said company appointed annually by the county council and to vote upon all matters and questions relating to the construction, location, maintenance and repairs of the railway.

17. No motive power other than electricity or horse power shall be used on the said road in any way at any time.

18. The services of the said officer in all cases to be paid by the company.

19. That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said county of York now in force or that may be hereafter passed in respect to highways as far as practicable.

20. The said parties of the second part for themselves, their successors and assigns, covenant, promise and agree with the said parties of the first part, their successors and assigns, that they the parties of the second part will at all times during the continuance of the privilege or franchise hereby granted or assumed to be granted at the request or upon the demand of the parties of the first part, their successors or assigns, allow any corporation or person to whom such permission, privilege or franchise may be given or granted by the parties of the first part, their successors or assigns, or by any corporation or person with the consent of the parties of the first part, their successors or assigns, and upon such terms and conditions as may be agreed upon by the said parties of the first and second parts, their successors or assigns, and such other corporation or person, to run over, upon and along the tramway or rails of the parties of the second part and to use the same in such manner and for such purposes as may be deemed necessary or expedient by the said parties of the first part, their successors or assigns, subject to such terms and conditions as may be agreed upon as aforesaid, and the said parties of the second part, their successors or assigns, shall not, in case of any such permission or franchise being given or consented to by the parties of the first part, their successors or assigns, be entitled to any compensation, money, payment, indemnity or damages by reason or on account of such permission or franchise except for compensation for use of the rails of the company or their assigns as may be agreed upon by the county.

21. It is expressly understood and agreed between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby given that thereupon this indenture shall be null and void and of no effect.

22. And the parties of the second part, for themselves, their successors and assigns, covenant and agree with the parties of the first part, their successors and assigns, that they, the parties of the second part, their successors or assigns, will abide by, submit to, perform and fulfil in every respect any agreement, privilege or franchise that may be made, given or granted under the provisions of the last preceding paragraph hereof.

23. And the parties of the second part, for themselves, their successors and assigns, covenant and agree with the parties of the first part, their successors and assigns, that they, the parties of the second part, will forever hold harmless and indemnified the parties of the first part, their successors and assigns, from all damages, costs and charges arising out of, or in consequence of, or in connection with the prosecution or defence of any suit, action or proceeding that may be undertaken at the instance of the parties of the second part, or their assigns, for the purpose of declaring or ascertaining what powers may be possessed by the said parties of the first part to give a right to erect or maintain tracks or railways on the portion of the Lake Shore road in this indenture referred to, or in any manner calling in question any rights given or arising out of, or intended to be given or to arise out of this indenture. The said parties of the first part hereby agreeing to prosecute or defend in the name of the county of York any action under this section which the said parties of the second part deem advisable in their interests to be prosecuted or defended. Provided that before the said county shall be bound to enter upon any such prosecution or defence, the company, or their assigns, shall give such security as may be approved by the warden and county commissioners for the performance and fulfilment of the indemnification provided for by this section.

24. Upon the expiration of the privilege and franchise granted by this agreement, the company, their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisos and stipulations as may be agreed upon between the county, or their successors, on the one part, and the company, their successors or assigns, on the other part; and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisos and stipulations as may from time to time on each such renewal be determined upon by arbitration to be appointed under the provisions of *The Municipal Act*—Provided, however, that at the expiration of the existing privileges and franchise granted herein, the parties of the first part may, upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of the said existing privilege and franchise, assume the ownership of the railways and tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof, on payment of the value of the same to be determined by arbitration.

25. As soon as the lease to the said village of Parkdale shall expire, and provided the county shall be called upon

to maintain the same, the said company, their successors or assigns, shall, if requested by the parties of the first part, maintain the whole or any part of the said portion of the Lake Shore road hereinbefore described, and shall keep it in such good and proper state of repair as shall meet with the approval of the officer hereinbefore mentioned; provided that if after due notice having been given to the company, their successors or assigns, the road be not properly kept in repair to the satisfaction of the said officer, he shall be entitled to enter and have the same repaired at the expense of the company, their successors or assigns.

In witness whereof, the said corporation of the county of York has hereunto affixed its corporate seal by the hands of the warden and clerk of said county, and the said The Mimico Electric Railway and Light Company (limited), has hereunto affixed its corporate seal by the hand of its president.

Signed, sealed and executed in the presence of GEO. W. MCFARLEN.	}	(Sgd.) WM. H. PUGSLEY, Warden.
		(Sgd.) GEO. EAKIN, Clerk.
		(Sgd.) F. BARLOW CUMBERLAND, <i>President.</i>
		(Sgd.) J. DAWSON, <i>Secretary.</i>

4. METROPOLITAN STREET RAILWAY COMPANY.

40 Vict. c. 84 (Ont.)

An Act to Incorporate the Metropolitan Street Railway Company of Toronto.

[Assented to 2nd March, 1877.]

WHEREAS certain persons have by their petition prayed Preamble.
that they may be incorporated under the title of
"The Metropolitan Street Railway Company of Toronto,"
for the purpose of constructing and operating street rail-
ways in the city of Toronto and adjoining municipalities;
and whereas it is expedient to grant the prayer of the
petitioners;

Therefore Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. Robert Jaffray, John Shields, Nathaniel Dickey, Incorporation
and corporate
name.
Edward Galley and John Ginty, all of the city of Toronto,

in the county of York, Esquires, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Metropolitan Street Railway Company of Toronto." 40 V. c. 84, s. 1.

C. S. C. c. 66,
applied.

2. The several clauses of chapter sixty-six of the consolidated statutes of Canada and the amendments thereto, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "shareholders," "municipalities," "actions for indemnity and fines, penalties, and their prosecution" (except sub-section eleven of section nine, and sections eighty-four, eighty-five and ninety), shall, in so far only as they are not inconsistent with, or repugnant to, any of the provisions of this Act, be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, but the several clause of the said chapter sixty-six in respect to "powers," "plans and surveys," and "lands and their valuation," shall apply to the said company, only so far as regards the portions of the railway outside the limits of the city of Toronto. 40 V. c. 84, s. 2.

Capital stock.

3. The capital stock shall be one hundred thousand dollars in one thousand shares of one hundred dollars each. 40 V. c. 84, s. 3.

Commence-
ment of work.

4. The company may begin to exercise the powers hereby granted as soon as fifty thousand dollars of the capital stock shall be subscribed, and twenty per centum thereon paid into some chartered bank in the city of Toronto, to the credit of the said company. 40 V. c. 84, s. 4.

Provisional
directors.

5. The said Robert Jaffray, John Shields, Nathaniel Dickey, Edward Galley and John Ginty, shall be provisional directors of said company, to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors, as hereinafter provided for. 40 V. c. 84, s. 5.

Election of
board of
directors.

6. So soon as fifty thousand dollars of the capital stock has been subscribed, and ten per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the city of Toronto. 40 V. c. 84, s. 6.

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7. The board of directors shall consist of five directors, ^{Constitution of board of directors.} to be determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than one thousand dollars; such election and every question voted on at such meeting shall be decided by ballot, by a majority of votes of the shareholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy, each share to have one vote; the directors so chosen shall immediately elect one of their own number to be president and another to be vice-president, which president, vice-president and directors shall continue in office for one year and until others shall be chosen to fill their places, as may be provided by the by-laws of the said company, and if any vacancy shall at any time happen by death, resignation or otherwise during said year, in the office of president, vice-president or directors, the remaining directors shall supply such vacancy for the remainder of the year, and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law as hereinafter mentioned. 40 V. c. 84, s. 7.

8. The company are hereby authorized and empowered ^{Powers of company.} to construct, maintain, complete and operate on all days except Sundays, and from time to time remove and change a double or single track iron railway, with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways and railway tracks or lines within the jurisdiction of the corporation of the city of Toronto, and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the said councils of the said city and of the said municipalities or railway company respectively and the said company, as to construction, maintenance and repairs of roadway and renewal thereof, and grade, style of rail, and all other matters and things relating to roadway and works, and under and subject to any by-laws of the said corporation of the said city and municipalities respectively, or any of them, made in pursuance thereof, and to take, transport and carry passengers by the force or power of animals or such other motive power as may be authorized by the council of said city and municipalities respectively by by-law, and outside the limits of the city of Toronto to carry freight, and to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith. 40 V. c. 84, s. 8.

9. The directors shall have full power to make all by-laws ^{Powers of directors.} and regulations for the management of the company; the

acquisition, management and disposition of its stock, property and effects, and of its affairs and business; the management and collection of calls on its stock and forfeiture thereof for nonpayment; the entering into arrangements and contracts with said city or municipalities; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of general and other meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received from persons and freight transported over said railway [or any part thereof, and in general to do all things as (d)] may be necessary to carry out the objects and the exercise of the powers incident to the company: Provided, that the fare shall not exceed for each passenger five cents for carriage for any distance not more than three miles within the limits of the corporation of the said city of Toronto, and one cent additional per mile over three miles; the return ride to be charged for separately, and children under ten years of age to be carried the said three miles for three cents, and children in arms free. 40 V. c. 84, s. 9.

Stock to be
personalty.

10. The stock of said company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct. 40 V. c. 84, s. 10.

Real estate.

11. The company may purchase, lease, hold or acquire, mortgage, let or transfer any real or personal estate, necessary for carrying on the operations of the company. 40 V. c. 84, s. 11.

Sleighs may
be used.

12. The company may substitute sleighs for railway carriages during the winter months upon the route of their railways. 40 V. c. 84, s. 12.

Rate of fares.

13. The fares mentioned in section nine of this Act shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver and refusing to quit the car or sleigh shall be liable to a fine of not less than five dollars, recoverable upon conviction before the police magistrate of the said city, or any justice of the peace, and upon default of payment of said fine and all costs forthwith, to imprisonment in the common gaol for a period of not more than thirty days. 40 V. c. 84, s. 13.

Rails.

14. The rails of said company shall be laid so as to cause the least inconvenience possible to general traffic, consistent with the proper working of said company; to be flush (as nearly as practicable) with the streets, which shall be kept

(d) These words seem to have been dropped in printing the statutes. See 39 Vict. c. 74 s. 8.

(e)
council

cleaned and in proper repair between and for eighteen inches on each side of said rails and at the expense of said company. 40 V. c. 84, s. 14.

15. The directors may, from time to time, increase the capital stock of the said company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the company any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bond fide* subscribed and paid up, by the issue of bonds or debentures, in such sums of not less than one hundred dollars, on such terms and credit as they think proper, and may thereby pledge or mortgage all the property, tolls and income of the company or any part thereof (as may be expressed upon the face of any bond or debenture) for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy, at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: always, that due notice of the holding of such meeting shall have been given in some newspaper published in the city of Toronto at least two weeks before such meeting is held. 40 V. c. 84, s. 15.

Stock may be increased.

Proviso.

Proviso.

16. No stockholder shall be personally liable for the promises, contracts, debts, undertakings, tolls or liabilities of said company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of said company shall be realized upon. 40 V. c. 84, s. 16.

Liability of shareholders.

17. The council of the said city and of any of the said adjoining municipalities, or any of them, and the said company are hereby respectively authorized to make and to enter into any agreements or covenants (e) relating to the construction of the said railway, for the paving, macadamizing, repairing, grading and cleaning of the streets and highways, and the construction, opening up and repairing of drains and sewers, and the laying of gas and water pipes in said streets and highways, and location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the time within which the road shall be commenced and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic: Provided, that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause men-

Council of city and of municipalities may agree.

(e) Agreements between the city and company. See minutes of the council, App. "C" pp. 553, 561, 563.

tioned shall have been entered into and made by and between the several parties hereinbefore mentioned. 40 V. c. 84, s. 17.

By-laws of city, etc.

18. The said city and the said municipalities are hereby authorized to pass any by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreement or covenant, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for enjoining obedience thereto, and also for the facilitating the running of the company's cars and sleighs, and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said railway may pass. 40 V. c. 84, s. 18.

Power to purchase or hire rolling stock, etc.

19. It shall be lawful for the said company to enter into and carry out to completion any agreement with any person or persons, or body corporate, hereafter acquiring the power or right to construct and work street railways in the said city of Toronto or now having or hereafter acquiring such power in adjoining municipalities, for leasing, hiring, or purchasing the plant and rolling stock belonging to any such person or persons, or body corporate, or for making running arrangements or amalgamating with any such person or persons or body corporate, such agreement to be approved by two-thirds of the shareholders, voting in person or by proxy, at a special general meeting to be held for that purpose, in accordance with this Act; and every such agreement, when so approved, shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof, and any company or individual accepting and executing any such lease or agreement is hereby empowered to exercise all the right and privileges, in respect of such agreement, in this charter conferred. 40 V. c. 84, s. 19.

Conveyances of land.

20. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in schedule "A," hereunder written, or similar ones, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for the registration of the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof. 40 V. c. 84, s. 20.

21. Nothing in this Act contained shall be construed to impair the rights, powers, or privileges vested in the

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Toronto Street Railway Company, or to authorize any agreement or by-law in violation or diminution thereof. 40 V. c. 84, s. 21.

SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*], in consideration of dollars, paid to me (or us), by the Metropolitan Street Railway Company of Toronto, the receipt whereof is hereby acknowledged, do grant and convey all that certain parcel (or those certain parcels, *as the case may be*) of land, situate (*describe the land*), the same having been selected and laid out by the said company for the purpose of the said railways, to hold with the appurtenances unto the said the Metropolitan Street Railway Company of Toronto, their successors and assigns [*here insert any other clauses, covenants, or conditions required*], and I (or we), the wife (or wives) of the said hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seal) this day of , A.D. 18 .

Signed, sealed and delivered }
in presence of }

40 V. c. 84, Sched.

56 Vict. c. 94 (Ont.)

An Act respecting the Metropolitan Street Railway Company.

[Assented to 27th May, 1893.]

WHEREAS the Metropolitan Street Railway Company of Preamble. Toronto was incorporated for the purpose of constructing and operating street railways, and has constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company by their petition have prayed that an Act may be passed to change the name of the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of
name.

1. The name of the Metropolitan Street Railway Company of Toronto is hereby changed, and the corporate name of the company is hereby declared to be The Metropolitan Street Railway Company. 56 V. c. 94, s. 1.

Agreements
with county
confirmed.

2. The agreements set out in the schedule "A" to this Act, namely, an agreement between the municipal council of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 25th day of June, 1884; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of January, 1886; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 28th day of June, 1889; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 17th day of December, 1889; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of October, 1890, and an agreement between the municipal corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 2nd day of March, 1891, are hereby confirmed and declared to be valid and within the powers of the parties thereto, and to be binding upon the said the corporation of the county of York and upon The Metropolitan Street Railway Company of Toronto, and under its name so changed as aforesaid respectively. 56 V. c. 94, s. 2.

By-law No.
592 of county
of York con-
firmed.

3. By-law No. 592 of the corporation of the county of York, set out in schedule "B" to this Act, and intituled "A by-law to authorize and empower The Metropolitan Street Railway Company of Toronto to extend their line of railway from their present northerly limit to the village of Richmond Hill," is hereby confirmed and declared to be valid and within the powers of the said the corporation of the county of York, and to be binding according to the terms thereof upon the said county. 56 V. c. 94, s. 3.

Extension of
line.

4. The company are hereby authorized and empowered to extend, equip, maintain and operate their line of railway within the county of York to lake Simcoe, or to any intermediate point between the present northern terminus and lake Simcoe, and to build branches from their said railway and from any extension that may be constructed under the powers given under this Act, to the village of Markham, to the town of Newmarket, and the village of Schomberg, and to equip, maintain and operate such extensions. 56 V. c. 94, s. 4.

Certain sec-
tions Rev.

5. All the powers, privileges, rights and authorities set forth in the clauses of *The Railway Act* and the amend-

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ments thereto incorporated with and made a part of *The Act to incorporate The Metropolitan Street Railway Company of Toronto* may be exercised in any municipality where the line of the said company is constructed; or is by this Act authorized to be constructed; provided always that any extension of the line of railway on Yonge street northerly from the present terminus may be made with the consent of the corporation of the county of York and subject to any agreement that may be made between the said company and the said municipality; and provided also that any extension hereby authorized, other than the extension on Yonge street aforesaid, shall not be constructed upon and along any street or highway without the consent of the municipality having jurisdiction over such street or highway. 56 V. c. 94, s. 5. Stat. c. 170 to apply to extensions.

6. The said company shall have the power to take, transport and carry passengers, freight, express and mail matter over their said railway and the extension or extensions thereof. 56 V. c. 94, s. 6. Carrying powers.

7. The said company may operate their railway as an electric railway, and may construct, maintain and operate works for the production of electricity for motive power for the said railway, and for lighting and heating and rolling stock of the company, and the said company may along that part of their extensions outside of the limits of the township of York, including the limits of the town of North Toronto sell or lease the electricity so produced to any person or corporation, and for such purposes shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, but the said company shall not exercise any powers under the said last mentioned Act without the consent of the municipalities. Use of electricity. Rev. Stat. c. 165.

Provided that nothing in this section contained shall be deemed to confer on the said company the right to electric power within the limits of the city of Toronto, without the consent of the said city. 56 V. c. 94, s. 7. Proviso.

8. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate, or mortgage any lands or premises intended and necessary, or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the Power to acquire lands.

foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section. Provided that the total acreage of lands to be acquired by the company for park purposes, shall not exceed 300 acres. 56 V. c. 94, s. 8.

Issue of bonds to \$20,000 per mile authorized.

9. The directors of the said company are hereby authorized to make and issue from time to time, bonds and debentures of the said company to the extent of \$20,000 per mile for each and every mile of single track of the said railway, including any bonds or debentures already issued, such bonds and debentures to be in sums of not less than \$100 each, and on such terms and credit as they may think proper, which said bonds and debentures may be made the first preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments now existing, or at any time hereafter acquired; subject always to the rights of any then existing bondholders; and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained. 56 V. c. 94, s. 9.

Inconsistent enactments repealed.

10. All the provisions of the Act incorporating the said company inconsistent with this Act are hereby repealed and declared to be of no force and effect. 56 V. c. 94, s. 10.

Rights of city of Toronto under certain agreements not affected.

11. Nothing herein contained shall in any way affect the rights of the corporation of the city of Toronto, as secured under an agreement with the county of York, dated the 21st day of August, 1888, whereby part of Yonge street was granted to the said city of Toronto (*f*), and the rights (if any) of the Toronto Railway Company, or of the said city, under the agreement referred to in an Act passed in the 55th year of Her Majesty's reign, and chaptered 99, or under the said Act, or otherwise under the agreements between the Metropolitan Street Railway Company and the said city, dated 7th July, 1890, 12th May, 1891, and August, 1892. 56 V. c. 94, s. 11.

Powers of municipalities as to granting aid.

12. The powers given to the council of every county, township, city, town and incorporated village in section 634, or to a portion of a township municipality, in section

(*f*) This agreement is filed in the office of the city treasurer.

635, or to the council of a township in section 636 of *The Consolidated Municipal Act, 1892*, may be exercised in 55 V. c. 42. respect of the Metropolitan Railway Company by such municipal councils, by a portion of a township municipality, or by the council of any township, through or near to which municipalities or portions thereof the line of the said company is now, or hereafter may be, constructed; and the powers given in said section 635 of *The Consolidated Municipal Act, 1892*, aforesaid, to a portion of a township municipality, may, in the case of the Metropolitan Railway Company, be exercised by a portion of a town municipality, through or near to which the line of the said railway passes or is situated. 56 V. c. 94 s. 12.

SCHEDULE "A."

(Section 2.)

This indenture made in duplicate the twenty-fifth day of June, one thousand eight hundred and eighty-four, between the municipal council of the county of York, of the first part, and the Metropolitan Street Railway Company of Toronto, hereinafter called the company, of the second part.

Whereas, certain persons were by Act of Legislature, of the Province of Ontario, passed in the fortieth year of the reign of Her Majesty, and chaptered 84, intituled *An Act to Incorporate the Metropolitan Street Railway Company of Toronto*, incorporated as a body corporate and politic for the purposes therein mentioned by the name of "The Metropolitan Street Railway Company of Toronto;"

And whereas the said company was in and by the said Act among other things empowered to construct, maintain, complete and operate, and from time to time remove and change double or single track iron or wooden railways, with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along and across such streets and highways, and railway tracks or lines within the jurisdiction of the corporation of the county of York, and any of the subordinate or adjoining municipalities as the company may be authorized to pass along and across, under and subject to any agreement thereafter to be made between the councils of the said municipalities and railway company respectively, and the said company as to the construction, maintenance and repairs of roadway and renewal thereof, and grade and style of rail and all other matters and things relating to roadway and works; and under and subject to any by-laws of the said municipalities respectively or any of them, made in pursuance there-

of, and to take, transport and carry passengers and freight by the force of power of animals or such other motive power as may be authorized by the councils of the said municipalities respectively by by-law, and to use and construct and maintain all necessary works, buildings, appliances and conveniences connected therewith ;

And whereas in and by the said Act, full power and authority was given to the parties of the second part to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages, provided that the consent of the said municipalities respectively shall be first had and obtained, which are by the said Act respectively authorized to grant permission to the said parties of the second part to construct their railway as aforesaid within their respective limits, across and along ; and to use and occupy the said streets and highways, or any part of them for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the parties of the second part and the said municipalities by their councils aforesaid or any of them ;

And whereas in and by the said Act the councils of the said several municipalities or any of them, and the said company are respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railways, for the paving, macadamizing, repairing, grading and cleaning of the streets and highways ; and the construction, opening up and repairing of drains and sewers ; and the laying of gas and water pipes in said streets and highways and location of the railway ; and the particular streets along which the same shall be laid ; the pattern of rails ; the time and speed of running the cars ; the time within which the said road shall be commenced and the time of completion ; and generally for the safety and convenience of passengers ; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic ;

And whereas divers inhabitants of the county of York, resident north of the northern limit of the city of Toronto, have petitioned the municipal council of the county of York to sanction the construction by the parties of the second part, of a street rail tramway, in, along and upon a certain portion of Yonge street, north of the northern limit of the city of Toronto hereinafter defined, and have asked that certain other privileges and immunities should be granted to the parties of the second part, their successors or assigns, and the said parties of the second part have proposed to construct and operate such street rail tramway upon the said street and are desirous of obtaining the necessary permission ;

And whereas the parties hereto of the first part, being the municipal council of the county of York, are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said parties of the second part such as is hereinafter contained.

Now this indenture witnesseth that the said parties of the first part and second part have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:—

1. That the parties of the second part, their successors and assigns, be permitted without let or hindrance from the said parties of the first part their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair an iron or steel street rail track or tramway with the necessary culverts, switches, and turn-outs, such switches or turn-outs not to exceed four in number, or one hundred feet each in length clear of curves, for the passage of cars, carriages, and other vehicles adapted to the same in, upon and along that portion of Yonge street lying between the northern limit of the city of Toronto and the present centre of the front of the town hall of the township of York at Eglington, such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement; and in all cases where switches and turn-outs are constructed, the said company shall extend the road metal on the macadamized portion of the road to a distance of at least sixteen feet beyond the outside rail of the siding, the full length of such siding.

2. All works necessary for constructing and laying down the rail or tramway shall be made in a substantial manner according to the best modern practice, under the supervision of the county engineer, and to the satisfaction of the municipal council of the county of York.

3. The roadway, track and rails of the said rail or tramway shall be located and constructed on the west side only of the said street between the macadam or gravel, and the ditch or watercourse and the roadway between, and all the space within the rails, and at least one foot six inches from the outside of and up to and adjoining the rail next adjoining the macadam, gravel or roadway, shall be paved or macadamized and kept constantly in good order and repair, and shall be maintained flush with the rails of the said rail or tramway by the said parties of the second part, who shall also be bound to construct and keep in good repair, crossings of a similar character to those adopted by the parties of the first part within the limits aforesaid at the

intersection of every such rail or tramway track and cross street or highway now opened, or that may hereafter be opened, and wherever culverts or waterways are found necessary for drainage purposes in the opinion of the county commissioner and engineer of the county, they shall be provided by the company.

4. The track and turn-outs shall conform to the grades of the said street as furnished by the county engineer, and shall not in any way change or alter the same except with the approval of the said engineer; but in all cases where it is found necessary in determining the grades of the said rail or tramway to lay the same at a different grade from the street or road, then in such cases the said company shall make up or depress the grade of the said street to conform with the grade of the rail or tramway, and re-metal the same. The top of the rails shall be laid flush with the street, and shall be always kept flush with the street, and the gauge of the said rail or tramways shall be uniform with the street tramways of the city of Toronto.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof shewing the positions of the rails and other works on said street shall have been submitted to and approved of by the warden, county commissioners and engineer.

6. That the parties of the first part shall have the right, and it shall be lawful for them after twenty days' notice to the parties of the second part of their intention to take up any part of the street or highways traversed by the rails either for the purpose of altering the grade thereof, constructing and repairing the sewers, or drains, or culverts, or side crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation without the parties of the second part being entitled to any compensation for damages or otherwise, occasioned to the working of the rail or tramway or works connected therewith.

7. The rails and cars to be used by the said company shall be of the latest approved pattern, the same to be approved by the warden, county commissioners, and county engineer; such rails to be of such a pattern as to permit of the wheels of ordinary vehicles travelling thereon. All persons using the said road are to be at liberty to travel upon the portion of the said roadway occupied by the said rail or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the company, it being provided however that the cars, teams, and vehicles of the said company shall have the first right of way over the said rail or tramway, and

all vehicles and persons travelling on that portion of the said highway occupied by the said rail or tramway shall turn out upon meeting or being overtaken by any car or vehicle of the said company so as to give them free right of way.

8. The rail or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction shall be granted upon a certificate from the county engineer, declaring the said rail or tramway to be in good condition, and constructed conformably to the conditions prescribed by this agreement in that behalf.

9. The company shall run at least two cars each way morning and evening, on a regular time table, at such hours as will best meet the wants of the residents and the general public.

10. The speed of the cars shall never exceed six (6) miles per hour.

11. The conductors shall announce to the passengers the names of the streets, highways and public squares as the cars reach them.

12. When the accumulation of ice or snow is, in the opinion of the county engineer, sufficient to impede the running of the cars, the company shall, upon receiving notice from him, provide sufficient sleighs, omnibuses, or other vehicles for all the purposes of the travel, and continue the running of the same until further notice from him, and no snow or ice shall be removed from the track or placed upon any portion of the highway without first having obtained the permission of the said county engineer.

13. No higher fare than five cents shall be charged for the conveyance of each passenger the full distance one way on the line.

14. The parties of the second part shall be liable for all damages arising out of the construction, repair or operation of the rail or tramway, and also for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said parties of the second part shall hold the parties of the first part, in all respect harmless, in respect thereof, and, upon demand, shall forthwith pay to the said parties of the first part, all sums payable or recovered against the said parties of the first part, in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part, and such claims and costs shall be a first lien on the property of the company.

15. Should the parties of the second part neglect to keep their track or roadway or crossings or ballasting in good condition according to the terms of this agreement, or to have the necessary repairs according to this agreement made thereon, the said parties of the first part may give notice, requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the engineer for the time being of the parties of the first part, as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition, shall be binding and conclusive upon the said parties of the second part, and, if after such notification given requiring such repairs to be made, the said parties of the second part do not within one week begin and carry to completion with all reasonable diligence and complete within fifteen days from the receipt of such notice or such further time as the said engineer may allow, this agreement shall be null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company and to place the said highway in a proper state of repair at the expense of the said company. The said company hereby agreeing to pay for such work on demand.

16. The privilege and franchise granted by this agreement shall extend over a period of twenty-one years from the date hereof, and the said company and its cars, carriages and other vehicles and horses and other motive power, shall, whether running the full distance or any shorter distance named in the first enacting section herein, or whether passing through a toll-gate or not, pay the fees, tolls or license upon the said street and highway above mentioned the same as may be determined by the by-laws of the said county, passed from time to time to regulate tolls on the York roads.

17. The company shall construct and have open for travel their proposed line of rail or tramway within one year from the first day of January, one thousand eight hundred and eighty-four, and in default thereof the company shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder; and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted, and the consent of the parties of the first part had not been had or obtained by the company, as provided for in the said hereinbefore recited Act.

18. The parties of the second part shall have the exclusive right and privilege to construct a street rail or tramway in and upon the said portion of Yonge street, subject to the observance of the conditions and agreements herein contained.

19. The council of the county of York for the time being shall be entitled to be represented by a director on the

board of the said company, appointed annually by the county council, and to vote upon all matters and questions relating to the construction, location, maintenance and repairs of the roadway.

20. No steam motive power or other than horse power shall be used on the said road in any way at any time.

21. The services of the said county engineer in all cases to be paid by the parties of the second part.

22. That the party of the second part shall be subject to all by-laws and parts of by-laws of the said county of York, if now in force, or that may be hereafter passed in respect to highways as far as practicable.

In witness whereof the said parties hereto respectively set their hands and seals the day and year first above written.

Signed and sealed in presence of

(Signed) E. J. DAVIS, [SEAL]
GEO. EAKIN. Warden.

(Signed) CHAS. D. WARREN, [SEAL.]
President.

This indenture, made in duplicate this twentieth day of January, in the year of our Lord one thousand eight hundred and eighty-six, between the corporation of the county of York, hereinafter called "the county" of the first part, and the Metropolitan Street Railway Company of the city of Toronto, hereinafter called "the company," of the second part:

Whereas, by indenture, bearing date the twenty-fifth day of June, one thousand eight hundred and eighty-four, the municipal council of the county of York, did grant permission to the company to construct and maintain, complete and operate, and from time to time remove and repair an iron or steel street rail track or tramway in or upon and along that portion of Yonge street lying between the northern limit of the city of Toronto and the present centre of the front of the town hall of the township of York, at Eglinton, upon the terms and conditions, covenants, provisions and stipulations contained and set forth in the said indenture, and with such permission such tramway has been constructed by the company.

And whereas the company has applied to the council of the county aforesaid to authorize an extension of their railway and track about three-quarters of a mile further north from the northern terminus mentioned in the said agreement to a point at or near the Methodist church, situate on the east side of Yonge street aforesaid, and for an

extension of the time during which the company shall have the privilege of maintaining and operating their said railway as so extended for a longer period than that prescribed in the said indenture hereinbefore referred to.

And whereas the council of the said county have agreed to authorize an extension of the railway and track for the distance applied for, and have agreed to extend the term during which the said railway as so extended may be maintained and operated upon the terms and conditions hereinafter set forth.

Now this indenture witnesseth that the county and the company have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns, be and are hereby permitted without let or injury from the county, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair an iron or steel rail track or tramway in extension of their present constructed and now existing railway track or tramway with the necessary culverts, switches or turnouts; such switches or turnouts not to exceed two in number nor one hundred feet each in length, clear of curves for the passage of carts, carriages and other vehicles adapted to the same, in, upon and along that portion of Yonge street lying between the present northern terminus of their said railway track or tramway to a point about three-quarters of a mile further north on Yonge street aforesaid, and not exceeding three hundred yards north of the Methodist church now on the east side of Yonge street, such extension of the said railway track or tramway to be of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement, and in all cases where switches or turnouts are constructed the said company shall extend the road metal on the macadamized portion of the road to a distance of at least sixteen feet beyond the outside rail of the siding the full length of such siding.

2. All works necessary for constructing and laying down the extension of the said rail or tramway shall be made in a substantial manner according to the best modern practice under the supervision of the county engineer and to the satisfaction of the municipal council of the county aforesaid.

3. The roadway, track and rails of the said extension of the said rail or tramway shall be located and constructed on the west side only of the said street between the macadam or gravel and the ditch or watercourse, and the roadway between and all the space within the rails and at

least one foot six inches from the outside of and up to and adjoining the rail next adjoining the macadam, gravel or roadway, shall be paved or macadamized and kept constantly in good order and repair and shall be maintained flush with the rails of the said extension of the said rail or tramway by the said parties of the second part, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the parties of the first part within the limits aforesaid at the intersection of every such extension of the said rail or tramway track and cross-street or highway now opened or that may hereafter be opened, and wherever culverts or waterways are found necessary for drainage purposes in the opinion of the county commissioners and engineer of the county they shall be provided by the company.

4. The track and turnouts along such extension shall conform to the grades of the said street as furnished by the county engineer and shall not in any way change or alter the same except with the approval of the said engineer; but in all cases where it is found necessary in determining the grades of the said extension of the said rail or tramway to lay the same at a different grade from the street or road then in such cases the said company shall make up or depress the grade of the said street to conform with the grade of the rail or tramway and re-metal the same. The top of the rails shall be laid flush with the street, and shall be always kept flush with the street and the gauge of the said extension of the said rail or tramway shall be uniform with the gauge of the portion of the said rail or tramway heretofore constructed and laid.

5. The location of the said extension of the line of railway in the said street or highway shall be made in accordance with the plans thereof hereunto annexed, shewing the positions of the rails and other works on said street.

6. That the county shall have the right and it shall be lawful for them and for the council thereof after twenty days' notice to the company of their intention to take up any part of the streets or highways traversed by the rails either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains or culverts or side crossings, or for laying down or repairing gas or water pipes and for all other purposes within the province and privileges of a municipal corporation without the company being entitled to any compensation for damages or otherwise occasioned to the working of the rail or tramway or extension thereof or works connected therewith.

7. The rails and cars to be used by the company shall be of the latest approved pattern, the same to be approved by the warden, county commissioners and county engineer, such rails to be of such a pattern as to permit of the

wheels of ordinary vehicles travelling thereon. All persons using the said road are to be at liberty to travel upon the portion of the said roadway occupied by the said extension of the said rail or tramway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway and the wheels thereof upon said rails without charge by the company, it being provided, however, that the cars, teams and vehicles of the company shall have the first right of way over the said extension of the said rail or tramway, and all vehicles and persons travelling on that portion of the said highway occupied by the said extension of the said rail or tramway, shall turn out upon meeting or being overtaken by any car or vehicle of the company, so as to give them free right of way.

8. The said extension of the said rail or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction shall be granted upon a certificate from the county engineer declaring the said extension of the said rail or tramway to be in good condition and constructed conformably to the conditions prescribed by this agreement in that behalf.

9. The company shall run upon and along the said rail or tramway as extended at least two cars each way morning and evening on a regular time table at such hours as will best meet the wants of the residents and the general public.

10. The speed of the cars shall never exceed six (6) miles per hour.

11. The conductors shall announce to the passengers the names of the streets, highways and public squares as the cars reach them.

12. When the accumulation of ice or snow is, in the opinion of the county engineer sufficient to impede the running of the cars, the company shall, on receiving notice from him, provide sufficient sleighs, omnibuses or other vehicles for all the purposes of the travel and continue the running of the same until further notice from him, and no snow or ice shall be removed from the track or placed upon any portion of the highway without first having obtained the permission of the said county engineer.

13. No higher fare than four cents shall be charged for the conveyance of each passenger the full distance one way on the line of the said extension in addition to any fares chargeable on the tramway already constructed south of the town hall hereinbefore mentioned.

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14. The company shall be liable for all damages arising out of the construction, repair or operation of the said extension of the said rail or tramway, and also for all damages occasioned by reason of the existence of the rails of the company upon the said highway and the company shall hold the county, their successors and assigns in all respects harmless in respect thereof and upon demand shall forthwith pay to the county all sums payable by or recovered against the said county in respect of any such claims together with all costs of or incidental to such claims incurred by the county, and such claims and costs, shall be a first lien on the property of the company.

15. Should the company neglect to keep their track or roadway or crossings or ballasting along the said extension of the said rail or tramway in good condition, according to the terms of this agreement, or to have the necessary repairs according to the terms of this agreement made thereon the county may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the engineer for the time being of the county as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition shall be binding and conclusive upon the company, and if after such notification given requiring such repairs to be made the said company do not within one week begin and carry to completion with all reasonable diligence and complete within fifteen days from the receipt of such notice or such further time as the said engineer may allow, this agreement shall be null and void and the rights of the company under the same and under the said prior agreement shall cease and determine and the county shall be at liberty to remove the rails of the company and to place the said highway in proper state of repair at the expense of the company. The said company hereby agreeing to pay for such work on demand.

16. The privilege and franchise granted by this agreement and by the said indenture hereinbefore referred to and in part recited shall extend over a period of thirty-one years from the twenty-fifth day of June, in the year of our Lord, one thousand eight hundred and eighty-four, and the said company and its cars, carriages and other vehicles and horses and other motive power shall, whether running the full distance of their said line of railways extended or any shorter distance or whether passing through a toll gate or not pay the fees, tolls or license upon the said street and highway above mentioned the same as may be determined by the by-laws of the said county passed from time to time to regulate tolls on the York roads.

17. The company shall construct and have open for travel the said extension of the said line of rail or tramway within three years from the date of this agreement, and

in default thereof the company shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder; and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted and the consent of the county had not been had or obtained by the company as provided for in the said hereinbefore in part recited Act, but such default shall not in any way affect or prejudice the existing rights of the company under the said indenture heretofore referred to and in part recited.

18. The company shall have the exclusive right and privilege to construct a street rail or tramway in and upon the said portion of Yonge street as extended by this agreement, subject to the observance of the conditions and agreements herein contained.

19. No steam, motive power or other than horse power shall be used on the said road or extension in any way at any time.

20. The services of the said county engineer in all cases to be paid by the company.

21. That the company shall be subject to all by-laws and parts of by-laws of the said county of York now in force or that may be hereafter passed in respect to highways as far as practicable.

In witness whereof the said corporation of the county of York have caused their corporate seal to be hereunto affixed, and the warden and clerk thereof have set their respective hands, and the said the Metropolitan Street Railway Company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and the year first above written.

Signed and delivered in the presence of

(Signed), JAS. McDUGALL.

(Signed), W. A. WARREN.

(Signed), JOHN RICHARDSON, [L.S.]
Warden.

GEO. EAKIN,
Clerk.

(Signed), CHAS. D. WARREN, [L.S.]
President.

This indenture, made the twenty-eighth day of June, one thousand eight hundred and eighty-nine, between the corporation of the county of York, hereinafter called "the county" of the first part, and the Metropolitan Street Railway Company of Toronto, hereinafter called "the company" of the second part.

Whereas by indenture bearing date the twenty-fifth day of June, one thousand eight hundred and eighty-four, the municipal council of the county of York, did grant permission to the company to construct, maintain, complete and operate and from time to time remove and repair, an iron or steel rail or tramway upon and along that portion of Yonge street described in the said indenture upon the terms, conditions, covenants, provisos and stipulations contained and set forth in the said indenture.

And whereas under the provisions of the said agreement, the company constructed and has operated the said rail or tramway.

And whereas by indenture bearing date the twentieth day of January, one thousand eight hundred and eighty-six, made between the corporation of the county of York aforesaid of the first part, and the company aforesaid of the second part, the county did grant permission to the company, and the company was authorized by the county to construct, maintain, complete and operate from time to time, remove and repair an extension of their said rail or tramway upon and along that portion of Yonge street, mentioned and described in the said last mentioned indenture upon the terms and conditions, provisos and stipulations contained and set forth in the said last mentioned indenture.

And whereas under the provisions of the said last mentioned indenture, the company has constructed and operated the said rail or tramway as extended under the provisions of the said last mentioned indenture.

And whereas divers inhabitants of the county of York, have petitioned that the said company may be permitted to operate the said rail or tramway by cable or by electricity in addition to the power they already have and the said company have also petitioned for the right so to operate the said rail or tramway, and for other privileges.

And whereas by by-law of the corporation of the county of York passed on the twenty-second day of June, 1889, the council of the said county, enacted that the agreements aforesaid should be amended so as to provide that the company may operate their said rail or tramway by cable or by electricity in addition to the power they already have of operating the same by horse power, and that an agreement should be prepared, so amending the said recited agreement, subject to such restrictions, conditions and provisions and with such amendments as the special committee named therein might approve of, and that upon such approval by the said committee, the said agreement should be executed on behalf of the corporation.

And whereas the said special committee have approved of the restrictions, conditions and amendments hereinafter set forth.

Now this indenture witnesseth that the county and the company have covenanted and agreed each with the other of them that the agreements heretofore entered into between the county and the company as set forth in the hereinbefore in part recited indenture shall be and are hereby amended as follows :—

1. That the company, their successors and assigns may operate their said rail or tramway by cable or cables, or by electricity, in addition to the power they already have of operating the same by horse power and for that purpose may lay down such cable or cables, conduit or conduits, upon and along such portions of Yonge street aforesaid, as are or may be occupied by them by their said rail or tramway and make the necessary culverts, switches, or turn-outs in connection with the same, and do and perform such other work upon the said portions of the said street, as may be necessary for the purpose of laying such cable or cables, conduit or conduits, and may erect such poles along the westerly side of Yonge street aforesaid, west of the road bed as may be necessary for maintaining wires and appliances necessary for working their said rail or tramway by electricity, as well as at such points on the easterly side of Yonge street, lying to the east of the road-bed as may be approved of by the county engineer or by the county commissioners of the county, regard being had to the interests of the public travelling along Yonge street and so as not to obstruct or interfere with the ditches—but no wires are to be maintained less than fourteen feet from the ground.

2. The company may alter the location of or extend the existing culverts, switches or turn-outs as may be found necessary from time to time, for the efficient and economical working of their said rail or tramway, provided always that in case the council of the corporation of the county of York or the county commissioners of the said county shall prefer having a double track along the whole length of the rail or tramway instead of increasing the number of the swithes or turnouts already authorized, the company shall in such case lay down a double track along the whole length of the said rail or tramway.

3. All work done under the authority of this agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence of the county engineer, and to the satisfaction of the council of the corporation of the county of York or of the county commissioners of the said county.

4. In case the electric motor or cars used by the company in operating their said road, whilst passing along the rail or tramway shall cause alarm to any horses travelling or being upon Yonge street with vehicles or otherwise, the

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motors or cars of the company shall if necessary be stopped, to enable the horses so alarmed, to pass the said motors or cars without accident or injury, and if necessary the servants of the company in charge of the motors or cars aforesaid shall assist the person or persons riding or driving or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon Yonge street aforesaid.

5. So far as safely can be done without causing alarm or injury to horses or vehicles on or upon Yonge street aforesaid the speed of the cars may be increased not however to exceed at any time twelve miles per hour.

6. Upon the expiration of the privilege and franchise granted by the agreement contained in the hereinbefore in part recited indentures respectively the company shall be entitled to a renewal of the same, and upon the expiration of such renewed term to further renewals thereof upon such terms and subject to such conditions, covenants, provisos and stipulations as may be agreed upon between the county and their successors on the one part and the company their successors and assigns on the other part, and in case the said parties are unable to agree, then upon such terms, conditions, covenants, provisos and stipulations as may from time to time on each such renewal be determined upon by arbitrators to be appointed under the provisions of *The Municipal Act*, provided, however, that at the expiration of the existing privilege and franchise granted as aforesaid by the agreements contained in the hereinbefore in part recited indentures respectively the county may upon giving notice in writing of their intention to the company twelve months prior to the expiration of the said existing privilege and franchise assume the ownership of the rail and tramways, and all real and personal property in connection with the working thereof on payment of the value of the same to be determined by arbitration.

7. In case the said company shall use their said rail or tramway for the conveyance of freight, goods or merchandise the rate charged therefor shall from time to time be agreed upon by and between the council of the county or the county commissioners of the county of York on the one part, and the company on the other part, and in case difference shall arise in settling or fixing upon the rates to be charged as aforesaid, then the same shall be submitted to the Lieutenant-Governor in Council who shall thereupon determine, settle and approve of the rates to be charged by the company as aforesaid, and all rates that may be charged as aforesaid, whether agreed upon in the manner aforesaid or otherwise settled shall be subject to the revision of the Lieutenant-Governor in Council from time to

time and the directors of the company shall from time to time print and stick up or cause to be printed and stuck up in the office and in all and every of the places where the rates aforesaid are to be collected, a painted or printed board or paper exhibiting all the rates chargeable by the company for the carriage of freight, goods or merchandise, or of any matter or thing. Notwithstanding anything herein contained in the twelfth clauses of the two hereinbefore mentioned indentures, the company shall have the right to remove the snow from and within their tracks and switches, provided that any snow put upon the graded part of the road by the company shall be so levelled or graded as not to impede or interfere with travel upon said road and it shall in all cases be done to the satisfaction of the county engineer and in case the snow to be removed from and within the said tracks shall exceed the amount that can be deposited or placed on the road without impeding or interfering with travel on the said road, such excess shall be disposed of in a manner to be approved of or under the direction of the county engineer.

8. All the provisions of the agreements contained in the indentures hereinbefore in part recited so far as applicable to the work to be done or to the working of the road or otherwise under this agreement shall be read as if the same were incorporated in this agreement, and they shall be applicable to the various provisions of this agreement as if set forth in the several provisions of this agreement.

In witness whereof the said county have set their corporate seal to be hereunto affixed and the warden and clerk thereof have set their respective hands and the said company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered in the presence of

(Signed), JOHN A. RAMSDEN,
Warden. [L.S.]

GEO. EAKIN,
Clerk. [L.S.]

(Signed), CHAS. D. WARREN,
President. [L.S.]

*The Metropolitan
Street Railway Company of Toronto.*

This agreement made in duplicate this seventeenth day of December, A.D., 1880, between the corporation of the county of York, hereinafter called "the county," of the first part, and the Metropolitan Street Railway Company of Toronto, hereinafter called "the company," of the second part.

Whereas under and by virtue of the provisions of a certain agreement between the municipal council of the county of York, and The Metropolitan Street Railway Company of Toronto, dated the 25th day of June, A.D., 1884, the said company has built and operated a certain rail or tramway upon, and along the road belonging to the county known as Yonge street.

And whereas under and by virtue of a certain other agreement between the same parties, dated the twentieth day of January, 1886, the said company built and operated an extension of their said rail or tramway.

And whereas, under and by virtue of a certain other agreement dated the twenty-eighth day of June, 1889, the hereinbefore recited agreements of the twenty-fifth day of June, 1884, and of the twentieth day of January, 1886, were amended and varied so as to permit the said company to operate their said rail or tramway by cable or cables or by electricity, in addition to the privilege they theretofore had to operate the same by horse power, and for that purpose were authorized to lay down such cable or cables, conduit or conduits upon, and along such portions of Yonge street aforesaid, as might be occupied by them by their said tram or railway, such additional powers being given subject expressly to conditions and provisos mentioned in the said agreement of the twenty-eighth day of June, 1889.

And whereas, in the said last recited agreement insufficient provision was made for the building of turnouts or switches and the parties hereto have agreed for the purpose of making such provision as hereinafter set forth.

Now therefore this agreement witnesseth that in consideration of the premises that the county and company have covenanted and agreed each with the other of them that in addition to the powers and privileges granted to the company in the said agreement of the twenty-eighth day of June, 1889, the said company shall have the power to build switches or turnouts for their said rail or tramway as follows, that is to say: One switch or turnout for the purpose of leading to and from their said rail or tramway to the power house of the said company, and one switch or turnout leading from their said rail or tramway to any one of the cross streets leading into or from Yonge street aforesaid.

Provided always that the power hereby given to make and operate the said switches or turnouts is to be taken as if it formed a part of and were incorporated in the hereinbefore recited agreement of the twenty-eighth day of June, 1889, and all the conditions, provisos and stipulations of that agreement, binding upon the said company, are to apply to the power and privilege hereby given, as if the said power and privilege were given in the said agreement of the twenty-eighth day of June, 1889.

In witness whereof the parties hereto have hereunto set their hands and seals this 17th day of December, A.D., 1889.

Signed, sealed and delivered in the presence of

(Signed), JOHN A. RAMSDEN,
Warden. [L.S.]

GEO. EAKIN.

(Signed), CHAS. D. WARREN,
President. [L.S.]
Metropolitan Street Railway Co.

This indenture, made in duplicate the twentieth day of October, one thousand eight hundred and ninety, between the corporation of the county of York, hereinafter called "the county," of the first part, and the Metropolitan Street Railway Company of Toronto, hereinafter called "the company," of the second part.

Whereas, by indenture bearing date the twenty-fifth day of June, one thousand eight hundred and eighty-four, the municipal council of the county of York did grant permission to the company to construct and maintain, complete and operate, and from time to time to remove and repair an iron or steel rail track or tramway in or upon and along that portion of Yonge street lying between the then northern limit of the city of Toronto and the centre of the front of the town hall of the township of York at Eglinton, upon the terms and conditions therein set forth.

And whereas, such rail or tramway has been constructed and operated by the said company.

And whereas, by indenture bearing date the twenty-fifth day of January, one thousand eight hundred and eighty-six, the corporation of the county of York did authorize an extension of the said railway track or tramway by the said company along that portion of Yonge street lying between the then northern terminus of their said rail track or tramway to a point not exceeding three hundred yards north of the Methodist church on the east side of Yonge street aforesaid, upon the terms and conditions therein set forth.

And whereas such extension of the said rail or tramway has been constructed and operated by the company.

And whereas, under and by virtue of a certain agreement dated the twenty-eighth day of June, one thousand eight hundred and eighty-nine, the hereinbefore recited agreements were amended and varied so as to permit the said company to operate their said rail or tramway by

cable or cables, or by electricity, in addition to the privilege they theretofore had of operating the same by horsepower, and for that purpose the said company was authorized to lay down such cable or cables, conduit or conduits, upon and along such portions of Yonge street aforesaid as might be occupied by them by their said rail or tramway, and to do and perform such other work as they might find necessary for the purpose of working their said rail or tramway by cable or electricity, such additional powers being given subject expressly to the conditions and provisos mentioned in the said agreement of the twenty-eighth day of June, one thousand eight hundred and eighty-nine.

And whereas, the work authorized in and by the hereinbefore last recited agreement has been done, and the said rail or tramway is now being operated by electricity.

And whereas, the hereinbefore recited agreements were further varied and amended by an agreement bearing date the seventeenth day of December, one thousand eight hundred and eighty-nine.

And whereas, the company has applied to the council of the county aforesaid to authorize a further extension of their rail track or tramway from the present northerly limit of said rail or tramway to the top of York Mills hill on Yonge street aforesaid.

And whereas, the council of the said county have, under the provisions of by-law No. 583 of the corporation of the county of York, authorized an extension of the said railway and track for the distance applied for.

Now this indenture witnesseth, that in consideration of the premises the parties of the first part do hereby grant to the Metropolitan Street Railway Company of Toronto, their successors and assigns, the rights and privileges hereinafter set forth. (1) That the company, their successors and assigns, be and are hereby permitted without let or hindrance from the county, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair an iron or steel railway track or tramway, or electrical railway, an extension of their now existing railway track or tramway (with the necessary culverts, turnouts and switches, such turn-outs and switches upon the extension herein authorized not to exceed two in number, and not to be more than one hundred feet in length, clear of curves for each switch or turnout for the purpose of cars, carriages and other vehicles adapted to the same, in, upon and along that portion of Yonge street lying between the present northern terminus of their said railway track or tramway to the top of the hill known as York Mills hill on Yonge street aforesaid, also the exclusive right and privilege of con-

structing such iron or steel railway track or tramway or electrical railway upon and over that portion of Yonge street extending from the northern terminus of the present track to the top of York Mills hill in addition to the exclusive right and privilege heretofore granted over or in respect of that part of Yonge street running southerly from the said northern terminus to the northern limit of the city of Toronto, also the exclusive right to operate the extension of their said rail or tramway by cable or cables or by electricity or by horse-power, and for that purpose may lay down such cable or cables, conduit or conduits, upon and along such portion of Yonge street aforesaid as is covered by this agreement and all former agreements between the county and company, and to make the necessary culverts, switches and turnouts in connection with the same, and to do and perform such other work upon the said portions of the said street as may be necessary for the purpose of laying such cable or cables, conduit or conduits, and may erect such poles along the westerly side of Yonge street aforesaid, west of the road-bed as may be necessary for working their said rail or tramway by electricity, as well as at such points on the easterly side of Yonge street lying to the east of the road-bed as may be approved of by the county engineer for the time being, regard being had to the interest of the public travelling along Yonge street so as not to obstruct or interfere with the ditches, but no wires are to be maintained less than fourteen feet from the ground.

Provided always, and it is hereby expressly declared, that the rights and privileges herein granted are subject to the following conditions and provisos:—

1. That the survey and the plans for extension shall be prepared by the county engineer at the expense of the company, and approved by the warden and commissioners, and upon such approval the work may forthwith be proceeded with.

2. That the company constructs and opens for travel the said extension of the said line of rail or tramway on or before the eighteenth day of June, eighteen hundred and ninety-three, and in default thereof the company shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder, and shall be in the same position as if this agreement had not been made, but such default shall not in any way affect or prejudice the existing rights of the company under the other agreements between the county and the company.

And it is hereby expressly agreed and understood by and between the parties hereto that this agreement is to be taken and read as if all the rights and privileges now in force heretofore granted by the said county to the said company in respect of other portions of the said rail or

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tramway or electrical railway were specifically herein granted to the company in respect to the extension herein authorized, and that all the covenants and provisos contained in any and all of the hereinbefore recited agreements shall in so far as applicable to the extension herein authorized be taken if they were included in and formed a part of this agreement, it being the intention that all such covenants and provisos contained in such other agreements shall in so far as applicable apply to the extension herein authorized.

In witness whereof the said corporation of the county of York have caused their corporate seal to be hereunto affixed, and the warden and the clerk thereof have set their respective hands, and the said Metropolitan Street Railway Company of Toronto have caused their corporate seal to be hereunto affixed, and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered in presence of

J. D. EVANS, *Warden.* [L.S.]

GEO. EAKIN, *Clerk.*

CHAS. D. WARREN, *President.* [L.S.]

This indenture, made in duplicate this second day of March, A.D. 1891, between the municipal corporation of the county of York, hereinafter called "the county," of the first part, and the Metropolitan Street Railway Company of Toronto hereinafter called "the company," of the second part.

Whereas under and by virtue of a certain indenture, dated the 25th day of June, A.D. 1884, made between the municipal council of the county of York, of the first part, and the said the Metropolitan Street Railway Company of the said second part, the said company subject to the various provisos and conditions therein set forth, obtained permission without let or hindrance from the said county, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair the iron or steel street rail track or tramway, in, upon and along that portion of Yonge street lying between the then northern limit of the city of Toronto, and the centre of the front of the town hall of the township of York at Eglington, and obtained the exclusive right and privilege to construct and operate the said iron or steel rail track or tramway in and upon the said portion of Yonge street extending as aforesaid from the then northern limit of the said city of Toronto, to the said centre of the front of the town hall of the township of York at Eglington as aforesaid, subject

always to the observance and fulfilment of the conditions and agreements therein contained.

And whereas, under and by virtue of the terms of a certain other agreement dated the twentieth day of January, A.D. 1886, and made between the same parties, the said company, subject to the provisos and conditions therein set forth, obtained the like permission and the like exclusive right and privilege upon an additional portion of Yonge street, namely: over that portion lying between the then northern terminus of the said railway track or tramway and a point about three-quarters of a mile further north on Yonge street aforesaid, not exceeding three hundred yards north of the Methodist church on the east side of Yonge street.

And whereas, the said railway track or tramway, has been constructed in accordance with the provisions and requirements of the said recited agreements, and has for some time been in operation upon those portions of Yonge street aforesaid, along and over which the said company had obtained the permission and the right and privilege aforesaid.

And whereas, under and by virtue of the terms of a certain other agreement, dated the twenty-eighth day of June, A.D. 1889, the said company, their successors and assigns, were authorized by the said county to operate the said railway or tramway, so in operation as aforesaid, by cable or cables, or by electricity, in addition to the authority which they theretofore had of operating the same by horse power, and for that purpose were authorized to lay down such cable or cables, conduit or conduits, upon and along those portions of Yonge street aforesaid, in respect of which the said permission and exclusive right and privilege aforesaid had been granted, and with such object in view were authorized, as therein particularly set forth, to do such work upon the said portions of Yonge street as they might find necessary for the purpose of working their said railway or tramway by cable or electricity.

And whereas the work authorized in and by the hereinbefore last recited agreement has been done, and the said railway or tramway is now being operated by electricity.

And whereas in order to the more efficient working of the same, the said company are desirous of changing the gauge of their said railway either now constructed or that may hereafter be constructed under any by-laws of the county, or permission of the council of the said corporation, and of using a different rail upon the same.

And whereas it is expedient in the public interest that the said railway or tramway should be rendered as efficient as possible, and with that object in view, the county have

passed a by-law being by-law No. 591 of the said county, authorizing the said changes as hereinafter set forth.

Now therefore this indenture witnesseth, that in consideration of the premises, the municipal corporation of the county of York doth hereby grant to The Metropolitan Street Railway Company of Toronto, their successors and assigns, the rights and privileges hereinafter set forth.

1. The right at any time hereafter to change the gauge upon the system of railway now constructed or that may be hereafter constructed by the said company under any authority of the council of the said county of York, from the now or then existing gauge to the standard railway gauge, being four feet eight and one-half inches or to such gauge as may hereafter be adopted as a standard electrical railway gauge, or to such gauge as may be in use upon the street railways or tramways in the city of Toronto, in the discretion of the company, also the right to change the rail now in use by the said company on their said railway or tramway or that may be in use upon any railway or tramway hereinafter constructed by the said company under or in pursuance of any by-laws of the county, or requirement of the council of the said county, for what is known as "the standard centre bearing T rail."

And this indenture further witnesseth that the said parties of the first and second parts have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:—

1. All works necessary for changing the said gauge and laying down the new rail hereby authorized to be substituted as aforesaid, shall be made in a substantial manner, according to the best modern practice, under the supervision and to the satisfaction of the county engineer for the time being.

2. The said standard centre bearing T rail, whether on that portion of the said railway or tramway now constructed or on any portion of the same that may hereafter be constructed shall be located on the west side of the said street between the macadam or gravel and the ditch or watercourse, and the said The Metropolitan Street Railway Company of Toronto, for themselves, their successors or assigns, shall at all times during their occupancy of the said railway or tramway or electrical railway, properly macadam or otherwise properly construct the road lying between the said rails, and a distance of eighteen inches on the outside of the rail lying next to the centre of the roadway, and shall at all times keep in repair the said portion of said roadway, either by macadam or such material as the balance of the roadway upon which the railway is not situate is now or hereafter may be made, all the said work to be done under the direction and control of the

engineer of the county of York for the time being, and such macadam or other material to be made flush as nearly as practicable and to the satisfaction of the said county engineer for the time being, with the top of the rails of the said railway, and kept in such a manner during the occupancy by the said company of the said railway. Where found necessary at crossings or places of business, the company will on request of the county engineer, put down fender planks.

In witness whereof the said corporation of the county of York, have caused their corporate seal to be hereunto affixed, and the warden and clerk thereof have set their respective hands, and the said The Metropolitan Street Railway Company of Toronto have caused their corporate seal to be hereunto affixed, and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered in the presence of

WM. H. PUGSLEY, *Warden.*

GEO. EAKIN, *Clerk.* [L. S.]

CHAS. D. WARREN, *President.* [L. S.]

56 V. c. 94, Sched. A.

SCHEDULE "B."

(Section 3.)

No. 592.

A by-law to authorize and empower The Metropolitan Street Railway Company to extend their line of railway from their present northerly limit to the village of Richmond Hill.

Whereas by agreements made between this county and the Metropolitan Street Railway Company on the twenty-fifth day of June, 1884; the twentieth day of January, 1886; the twenty-eighth day of June, 1889, and the seventeenth day of December, 1889, respectively, The Metropolitan Street Railway Company has power and authority to operate their street railway on Yonge street, between the northerly limits of Toronto and the top of York Mills' hill.

And whereas divers ratepayers of the county are desirous of having the company extend their street railway north to the village of Richmond Hill.

And whereas it is deemed advisable and in the public interest to allow the said extension.

Be it therefore enacted by the municipal council of the corporation of the county of York;

1st. That The Metropolitan Street Railway Company be and the same is hereby authorized and empowered to extend and operate their street railway by electric or cable power or horse power from the present northerly limit of said road on Yonge street to the village of Richmond Hill, under the conditions of the agreement hereinafter referred to being carried into effect.

2nd. That an agreement be prepared to amend the agreement of this county with the company, allowing said company to extend their street railway to a point indicated in clause 1 of this by-law, subject to such restrictions, conditions and provisions as the warden and Messrs. Richardson, Woodcock, Forster, Pugsley, Russell and Humberstone may approve of, and that upon such approval the said agreement shall be executed on behalf of this corporation.

3rd. It is further enacted that the company shall be allowed the term of two years from the 18th of June, 1891, to complete and equip the road over the entire extension, and in case the said company neglect or refuse to so complete the road within the specified time the said company shall forfeit the franchise hereby granted, and the agreement shall become null and void.

J. D. EVANS,
Warden.



Passed November 22nd, 1889.

GEORGE EAKIN,
Clerk.

56 V. c. 94, Sched. B.

5. TORONTO AND SCARBORO' ELECTRIC RAILWAY, LIGHT AND POWER COMPANY (LIMITED.)

56 Vict. c. 102 (Ont.)

An Act respecting The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited).

[Assented to 27th May, 1898.]

WHEREAS a petition has been presented by The Toronto Preamble.
and Scarboro' Electric Railway, Light and Power Company (limited), praying that an Act may be passed confirming four certain municipal by-laws and four certain indentures mentioned in schedule "A" to this Act and also granting certain additional powers to the said company; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-laws and
agreements
confirmed.

1. The several by-laws and agreements mentioned in the schedule "A" to this Act are hereby ratified and confirmed and declared to be within the powers of the parties thereto, and to be valid and binding for all purposes whatsoever; provided always, that as to so much of the Kingston road as lies and is situate within the present limits of the city of Toronto, the said by-law of the county of York and the said agreement between the corporation of the said county and the company are ratified and confirmed and declared to be binding as aforesaid, only so far as to give to the company all rights and powers which the county possessed and purported to give, over the said portion of said road. (g) 56 V. c. 102, s. 1.

* * * * *

Running
arrangements
with The
Toronto Rail-
way Com-
pany.

17. Subject to the terms, conditions and provisions of the said by-laws and agreements referred to in said schedule "A," the said company shall have power to agree for connections and making running arrangements with The Toronto Railway Company upon terms to be approved of by two-thirds in value of the shareholders of the first above mentioned company at a special general meeting to be called for the purpose of considering the same; Provided always that nothing in this Act contained shall be held or construed as giving to or conferring upon The Toronto Railway Company any right, power or authority whatsoever, and that all rights, powers, privileges and authorities of the said The Toronto Railway Company shall to all intents and for all purposes be and remain as if this Act had not been passed. 56 V. c. 102, s. 17.

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STREETS.

See ROADS AND STREETS.

(g) There are no agreements between the city and this railway company as to the portion of the Kingston road (about 200 feet) lying within the city, occupied by the company.

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TAXES.

See ASSESSMENTS.

TELEPHONE.

43 Vict. c. 67 (Dom.)

An Act to incorporate the Bell Telephone Company of Canada.

[Assented to 29th April, 1880.]

* * * * *

3. The said company may construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, bridges, watercourses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said company shall not interfere with the public right of travelling on or using such highways, streets, bridges, watercourses or navigable waters; and provided that in cities, towns and incorporated villages the company shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry more than one line of poles along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or village, and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted if so required by any by-law of the council; and provided further, that where lines of telegraph are already constructed, no poles shall be erected by the company in any city, town or incorporated village along the same side of the street where such poles are already erected, unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village; Provided also, that in so doing the said company shall not cut down or mutilate any tree; And provided that in cities, towns and incorporated villages, the opening up of the street for the erection of poles or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, and that the

Construction and maintenance of line.

Provido : height of poles, etc.

Provido : as to trees.

Proviso : as
to future
legislation.

Proviso : as
to cutting
wires in case
of fire.

surface of the street shall, in all cases, be restored to its former condition by and at the expense of the company: Provided also, that no Act of Parliament requiring the company (in case efficient means are devised for carrying telephone wires under ground) to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act; and provided further that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telephone wires should be cut, the cutting under such circumstances of any of the wires of the company under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the company to demand or claim compensation for any damages that might be so incurred. 43 V. c. 67, s. 3.

* * * * *

Injury of
property, etc.,
to be a mis-
demeanour.

25. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material or property of the company, or in any way wilfully obstruct or interfere with the working of the said telephone lines, or intercept any message transmitted thereon, shall be guilty of a misdemeanour. 43 V. c. 67, s. 25.

* * * * *

45 Vict. c. 71 (Ont.)

An Act to confer certain powers upon the Bell Telephone Company of Canada.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Bell Telephone Company of Canada has, by its petition, represented that it was incorporated by an Act of the Parliament of Canada passed in the forty-third year of Her Majesty's reign, chapter sixty-seven, and certain powers were conferred on the said corporation by the said Act; that under the authority thereof it has acquired the rights, business, and goodwill of divers local telephone companies in this Province, and has constructed and erected and is now working telephone lines, and carrying on telephone operations in divers cities, towns and villages and other places in this Province; and that doubts have arisen as to the powers of the said company under the said Act, in regard to those portions of its work and undertaking which are local and do not extend beyond the limits of this Province; and the said company has prayed that the necessary powers be conferred on it by

the legislature of this Province; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the company incorporated by chapter sixty-seven of the Statutes of Canada passed in the forty-third year of Her Majesty's reign, known by the name of "The Bell Telephone Company of Canada," to exercise within the Province of Ontario the powers herein-after mentioned. 45 V. c. 71, s. 1.

2. The Bell Telephone Company of Canada may construct, erect, and maintain its line or lines of telephone along the sides of, and across or under, any public highways, streets, bridges, water-courses, or other such places: Provided the said company shall not interfere with the public right of travelling on or using such highways, streets, bridges or water-courses, and provided that in cities, towns and incorporated villages, the company shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry any such poles or wires along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or incorporated village; and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted if so required by any by-laws of the council; And provided further that where lines of telegraph are already constructed, no poles shall be erected by the company in any city, town or incorporated village along the street where such poles are already erected, unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village: Provided also that in so doing the said company shall not cut down or mutilate any tree; And provided that in cities, towns and incorporated villages the opening up of the street for the erection of poles, or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, unless such engineer, officer or council, after one week's notice in writing, shall have omitted to make such direction; and provided also that the surface of the street shall, in all cases be restored to its former condition by and at the expense of the company; and provided further, that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telephone wires should be cut, the cutting under such circumstances of any of the wires of the company, under the direction of

the chief engineer or other officer in charge of the fire brigade, shall not entitle the company to demand or claim compensation for any damages that might be so incurred. 45 V. c. 71, s. 2.

Power to
acquire real
estate.

Proviso.

3. The said company shall have power to purchase, lease or otherwise acquire and hold all such real estate as may from time to time be necessary and proper for the purposes and uses of the company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber such real estate, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit: Provided always that such real estate acquired for the purposes hereinbefore mentioned shall at all times be held exclusively for the purposes and uses of the said company as by this Act authorized, and not otherwise, and shall not exceed at any one time, when situate within the city of Toronto, the annual value of ten thousand dollars, when situate within any other city in the Province of Ontario, the annual value of five thousand dollars, when situate within any town in the Province of Ontario, the annual value of two thousand dollars, and when situate within any other municipality within the said Province of Ontario, the annual value of one thousand dollars. 45 V. c. 71 s. 3.

UNIVERSITY OF TORONTO.

1. QUEEN'S PARK—See BOUNDARIES OF CITY AND WARDS—PARKS, GARDENS AND DRIVES.

55 Vict. c. 42 (Ont.)

An Act to consolidate the Acts respecting Municipal Institutions.

[Assented to 14th April, 1892.]

* * * * *

Municipal
aid to Univer-
sity of
Toronto.

520b. The council of every city with a population of 100,000 or over may pass a by-law or by-laws for granting aid to the University of Toronto and may create a debt therefor, and may issue debentures for the amount of such debt, and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed \$500. 53 V. c. 50, s. 41.

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VOTERS' LISTS.

56 Vict. c. 3 (Ont.)

An Act to make further provision as to Voters' Lists in Cities.

[Assented to 27th May, 1893.]

* * * * *

8.—(1) Immediately after the return by the assessors of the assessment rolls to the clerk, and without waiting for the revision and correction thereof by the court of revision or the judge, the clerk shall make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the [said] city, prefixing to the name of each person his number upon the said roll as heretofore; and shall, within forty days after receiving the assessment rolls, cause 400 copies to be printed of the said list in the case of Toronto, and 200 in the case of every other city, the same to be in pamphlet form; and the clerk, besides delivering or transmitting the copies mentioned in that behalf in the [said] *The Ontario Voters' Lists Act, 1889*, shall deliver one copy to the assessment commissioner. ^{Clerk to make up lists on return of assessment rolls.} 52 V. c. 3.

(2) A larger number of copies may be printed if the city council, by resolution or otherwise, so directs or authorizes. 56 V. c. 3, s. 8.

* * * * *

13. Immediately after receiving the report of the assessment commissioner, the clerk shall cause to be printed copies of the same, including the lists of changes, namely, 400 in the case of the city of Toronto and 200 in the case of other cities; and shall forthwith cause one of these printed copies to be posted up, and to be kept posted, in some conspicuous place in his office, and shall deliver or transmit by registered letter or by parcel post registered, the same number of copies and to the same persons as required by law in case of the original list which he prepared after receiving the assessment roll. 56 V. c. 3, s. 13. ^{Printing and posting supplementary lists.}

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WARDS.

See BOUNDARIES OF CITY AND WARDS.

WATER COURSES AND SEWERS.

1. DON IMPROVEMENT—See DON IMPROVEMENT.
2. GARRISON CREEK AND ROSEDALE CREEK SEWERS—See GARRISON CREEK AND ROSEDALE CREEK SEWERS.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the corporation of the city of Toronto have by their petition set forth the desirability of, and the necessity for, special legislation, conferring upon them increased powers with reference to drainage and sewage works.

* * * * *

By-laws may be made for—

1. The council of the corporation of the city of Toronto may pass by-laws for the following, amongst other purposes, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the said city of Toronto, contained to the contrary ;

Widening or deepening streams, etc.

(1) For widening, deepening, diverting, straightening, and improving any river, creek, stream, or water course, for converting any such creek, stream, or water course into a main drain or sewer, and adopting the same as a part of the sewerage and drainage system of the city of Toronto, for deepening any such creek, stream, or water-course, and draining any locality, for constructing a main off-take sewer or sewers along the front of the city, or in such other place or places and manner as they may be advised, to prevent the sewerage and filth entering the waters of the Bay, and the necessary works and connections therewith, and for entering upon, taking and using such lands as may be necessary for all and every such purposes. 47

V. c. 59, s. 1.

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(a) The
by 22 Vict.
c. 63, p. 21

WATER WORKS.

	PAGE.
1. CITY OF TORONTO WATER COMPANY	525
2. CORPORATION WATER WORKS	528
3. TORONTO WATER WORKS	529
4. PARKDALE WATER AND GAS WORKS—See PARKDALE.	

1. CITY OF TORONTO WATER COMPANY.

35 Vict. c. 78 (Ont.)

An Act to revive and amend the Act relating to the City of Toronto Water Company.

[Assented to 2nd March, 1872.]

WHEREAS the city of Toronto Gas Light and Water Preamble.
Company was incorporated by an Act passed in the session of the Parliament of the late Province of Canada held in the fourth and fifth years of Her Majesty's reign, and chaptered sixty-five; and whereas the said Act of incorporation was amended by an Act passed in the eighth year of Her Majesty's reign, and chaptered eighty-five; and whereas the said Act of incorporation was further amended by an Act passed in the sixteenth year of Her Majesty's reign, and chaptered one hundred and nine, by which said last mentioned Act the name of the said company was changed to the City of Toronto Water Company; and whereas by an Act passed in the sixteenth year of Her Majesty's reign, and chaptered two hundred and fifty, the Metropolitan Gas and Water Company was incorporated; and whereas the said last mentioned Act of incorporation was amended by an Act passed in the eighteenth year of the reign of Her Majesty, chaptered two hundred and eighteen; (a) and whereas the said Metropolitan Gas and Water Company became the purchasers of all the works, rights, privileges, and franchises of the City of Toronto Water Company, and to secure the payment of the purchase money thereof mortgaged the said works, rights, privileges, and franchises to Albert Furniss, of the city of Montreal, Esquire, who was then the sole proprietor and shareholder of the said City of Toronto Water Company; and whereas default having been made by the said Metropolitan Gas and Water Company in the payment of

(a) The Metropolitan Gas and Water Company Act was also amended by 22 Vict. c. 135, and 24 Vict. c. 101—See also note (c) to 4-5 Vict. c. 63, p. 219.

the said mortgage money, the said Albert Furniss filed his bill in the Court of Chancery in Upper Canada to foreclose the said mortgage, and by virtue of the said court the said mortgage was absolutely foreclosed, and the said Albert Furniss entered into possession of the said works, rights, privileges, and franchises, and has continued in possession thereof ever since; and whereas the said Albert Furniss is desirous that all the rights, powers, franchises, and privileges vested in the said companies, or either of them, should be vested in him with such powers and authorities as may enable him effectually to operate and work the same; and it is right that the same be granted to him:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain water
companies
vested in
A. Furniss.

1. All the works, powers, rights, privileges, and franchises whatsoever, held and occupied and enjoyed by the said City of Toronto Water Company, or the said Metropolitan Gas and Water Company, or the president and directors and shareholders of the said companies, or either of them, shall be and they are hereby vested in the said Albert Furniss, his heirs and assigns, and his and their associates, he and they are hereby authorized and empowered to exercise the same under the corporate name of "The City of Toronto Water Company." 35 V. c. 78, s. 1.

Company
may sell their
works, etc.

2. The City of Toronto Water Company are hereby authorized and empowered to sell their said works and all the powers and authorities contained in the said charters of incorporation to any person or body corporate, or any share or interest therein, upon such terms as may be agreed upon between them; and the said company shall be liable to all duties, contracts and obligations incurred subsequent to the said mortgage in the preamble mentioned, and subject to all the penalties or claims whatever, to which the said City of Toronto Water Company or the said Metropolitan Gas and Water Company, or either or both of them, is or are in any way liable or subject; and all actions or suits now pending by for or against the said City of Toronto Water Company or the Metropolitan Gas and Water Company, or either or both of them, may be continued and completed by or against the said City of Toronto Water Company, upon a suggestion of the passing of this Act. 35 V. c. 78, s. 2.

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87 Vict. c. 74 (Ont.)

An Act respecting the City of Toronto Water Works ; and to amend the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight.

[Assented to 24th March, 1874.]

WHEREAS by the petition of the City of Toronto Preamble.
 Water Company, Louisa Priscilla Furniss Administratrix of the estate of her late husband, Albert Furniss, deceased, Elizabeth Louise Elwes (formerly Elizabeth Louise Furniss), Mary Helen Furniss, Albert Henry Furniss, Edmond Louis Furniss, an infant under the age of twenty-one years, by his duly appointed guardian, the said Louisa Priscilla Furniss, all of the city of Toronto, in the county of York, Bernard Daniel Furniss, and George Furniss, of the city of Montreal, in the province of Quebec, and John Joseph Furniss, of Bordeaux, in France, the heirs and heiresses at law and next of kin of the said Albert Furniss, deceased, it appearing that by the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight, certain works, powers, rights, privileges and franchises therein mentioned, were vested in the said Albert Furniss, deceased, in the manner therein set out, and that it was intended by the said Act to vest in the same manner all the works, powers, rights, privileges, franchises and easements (including certain parcels of real estate in the said city of Toronto), held and occupied and enjoyed by the Metropolitan Water Company, incorporated by an Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-fourth year of Her Majesty's reign, and chaptered one hundred and one, and of and to which works, powers, rights, privileges, franchises and easements, the said Albert Furniss was possessed and entitled, in the same manner as the said other premises thereby vested in him ; but it appears doubtful whether the said works, powers, rights, privileges, franchises and easements, were by the said Act vested in him as so intended to be done ; and that the said petitioners have by agreement bearing date the twenty-seventh day of May, in the year of our Lord one thousand eight hundred and seventy-three, contracted to sell, and the corporation of the said city of Toronto, by and through the agency of "the water works commission for the city of Toronto," have in pursuance of the authority conferred by chapter seventy-nine of the statutes of Ontario, passed in the thirty-fifth year of Her Majesty's reign, contracted to purchase amongst other property all the works, powers, rights, privileges, and franchises whatsoever, and estate,

real and personal, of or held and occupied and enjoyed by the several companies mentioned in the said Act, chaptered seventy-eight, and the said Albert Furniss, deceased, and the said petitioners, including all the said works, powers, rights, privileges, franchises and easements, and that in pursuance of such contract the said petitioners have executed a conveyance thereof, bearing date the seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-three, and the said corporation of the city of Toronto are now in the occupation of the same; And whereas doubts have arisen as to the right of the said petitioners to sell and convey the same, and the said petitioners have by their said petition prayed that an Act may be passed confirming the said sale and vesting the said property in the said the corporation of the city of Toronto, and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Confirmation
of sale by
Furniss to the
Corporation
of Toronto.

1. All the real and personal estate, works, powers, rights, privileges, authorities, franchises and easements, held and occupied and enjoyed by the said several companies, named in the said Act, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight, and by the said Albert Furniss, deceased, and by the said petitioners, and by the Metropolitan Water Company, or the president and directors and shareholders thereof, or by any or either of them, or by the said Albert Furniss, deceased, under the name of the Metropolitan Water Company, shall be and are hereby vested in the said the corporation of the city of Toronto, and their successors, to hold under, and in pursuance of and for the purposes mentioned in the said Act, passed in the thirty-fifth year of the reign of Her said Majesty, chaptered seventy-nine, and the said sale and conveyance thereof by the said petitioners is hereby confirmed. 37 V. c. 74, s. 1.

2. CORPORATION WATER WORKS.

20 Vict. c. 81.

An Act to authorize the City of Toronto to erect Water Works and to levy a Water Rate.

[Assented to 10th June, 1857.]

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3. TORONTO WATER WORKS.

35 Vict. c. 79 (Ont.)

An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto.

[Assented to 2nd March, 1872.]

WHEREAS grave and frequent complaints have been made from time to time, by the citizens and corporation of Toronto, against the quality and supply of water furnished by the Toronto Water Works Company, hitherto existing and supplying water to the city; and grievous and serious injury to property and to the city generally has resulted from an undue and insufficient service thereof; And whereas numerous amendments have been made to the charter of the said Toronto Water Works, with the view to making the same more useful and effective, for the purposes intended; and to enable the corporation of the city of Toronto to satisfy the citizens as to the service of water procurable from said Company; and whereas after much treaty and negotiation between the said city of Toronto and the said Water Works Company, it has been found impossible to effect any satisfactory arrangement with said Water Works Company on behalf of the said corporation and citizens of Toronto; and whereas the council of the corporation of the city of Toronto, have by petition declared that it is deemed necessary and advisable that the said corporation of Toronto should have the power to purchase, construct, have, and manage, as to them may seem meet, certain water works on behalf of the city of Toronto; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the corporation of the city of Toronto, by and through the agency of commissioners and their successors, to be elected and appointed, as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and construct water works, and all buildings, matters, machinery, and appliances therewith connected or necessary thereto, in the city of Toronto, and parts adjacent, as hereinafter provided. 35 V. c. 79, s. 1.

2. The said commissioners and their successors, shall be a body corporate, under the name of the "Water Works Commission-ers of the works incorporated."

Powers. Commission for the city of Toronto;" and shall be composed of five members, of whom the mayor of the city of Toronto, for the time being, shall be *ex officio*, one; and the said commissioners shall have all the powers necessary to enable them to build the water works hereinafter mentioned; or to purchase, and after purchase to add thereto, or otherwise deal with the water works of any other company, and to improve, secure, maintain, and enlarge any of the said works, from time to time as to the said commissioners may seem meet, and to carry out all and every the other powers conferred upon them by this Act. 35 V. c. 79, s. 2.

Duty of commissioners. 3. And it shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said city of Toronto, by the means contemplated by this Act, with a sufficient quantity of pure and wholesome water for the use of its inhabitants; and also to provide, build, or construct the necessary water works, buildings, machinery, and other appliances requisite for the said object. 35 V. c. 79, s. 3.

Powers. 4. The said commissioners shall have power to employ and appoint engineers, surveyors, officers, and other persons; and to rent or purchase such lots, works, buildings, privileges, and yards, as in their opinion may be necessary to enable them to fulfil their duties under this Act. 35 V. c. 79, s. 4.

Powers. 5. And it shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the city of Toronto, or within thirty miles of the said city; and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water works; and also to divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper; and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water works commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any persons having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned—namely, the

Entry on lands.

Appropriate streams.

Contract.

Arbitration.

commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county of York, shall, on application by either party, appoint such third arbitrator. In case any such owner or occupier, shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then, the judge of the county court of the county of York, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge, and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final. And the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said city, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's justice of the peace, in and for the said county of York, or the said city, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench, or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive; and the award of a majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid; Provided always, that upon the application of any person injuriously affected by the works of the said company by the withdrawal thereby of the water from any river, stream, or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands through, or on which such rivers, streams, or lakes may pass or be, the Court of Chancery may grant injunctions to restrain the said company from

the use of the water of such river, stream, or lake for such time, and upon such conditions as the court shall direct. 35 V. c. 79, s. 5.

Lands appropriated
vested in the
city.
Powers to
convey water.

Enter on
lands.

6. The lands, privileges, and water, which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the city of Toronto, and their successors; and it shall and may be lawful for the said commissioners and their successors, to construct, erect, and maintain in and upon the said lands all such reservoirs, water works, and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers, or lakes from which the same are procured and the said city of Toronto, by one or more lines of pipes, as may from time to time be found necessary; and for better effecting the purposes aforesaid, the said commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid; and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways, railways, and roads of and in the townships of Etobicoke, York, and Scarborough, and the incorporated village of Yorkville, in the county of York, and in, through, over, and under the public ways, streets, street railways, lanes, or other passages of the said city of Toronto, and in, upon, through, over or under the lands, grounds, and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use, and occupy such part or parts thereof, as they, the said commissioners, or their successors shall think necessary and proper, for the making and maintaining of the said works, or for the opening of new streets required for the same; and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the city of Toronto, or for the uses of the corporation of the said city, or of the proprietors or occupiers of the lands through or near which the same may pass; and for this purpose to sink and lay down pipes, trunks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by

arbitration as aforesaid; and all such water works, pipes, erections, and machinery requisite for the said undertaking, shall likewise be vested in, and be the property of the corporation of the city of Toronto. Works vested in the city.

Notwithstanding anything in this Act contained, the said commissioners, their servants or agents, shall not cut, dig up or in any way interfere with any of the public ways, streets, lanes or other passages within the city of Toronto, for the purpose of laying mains, until after thirty days' notice in writing of such intention shall have been given to the engineer of said city or to the person for the time being acting as such, but that it shall be lawful for the said commission without giving any notice to dig up and interfere with such ways, streets, lanes, or other passages for the purpose of laying service pipes or making repairs in case of accident, but the commission may at any time with the written assent of the engineer or acting engineer of the said city dig up and interfere with such ways, streets, lanes, or other passages without giving such notice or before the time limited by such notice has expired, and all ways, streets, lanes and other passages so dug up or interfered with shall be restored to their original condition, without unnecessary delay. 35 V. c. 79, s. 6; 39 V. c. 64, s. 5.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause, or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or water works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid, shall, on conviction thereof, before any justice of the peace, having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners, for water works purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the city of Toronto or county of York, for a space of time not

exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending, shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her, or them. 35 V. c. 79, s. 7.

Materials for work exempted from execution.

8. All materials procured, or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract, shall be exempt from execution. 35 V. c. 79, s. 8.

Accounts to be kept by commissioners.

Returns to the city.

9. That the said commissioners shall be, and they are hereby required to keep, or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other property, funds, or assets belonging to the said water works; and all such books shall be open to the examination of any person or persons appointed for that purpose by the corporation of the city of Toronto, or any member of the said corporation; and shall annually on or before the thirty-first day of December in each and every year, cause a return to be made to the council of the corporation of the city of Toronto shewing a statement of the affairs of the said water works, wherein shall be stated the amount of the rents, issues, and profits arising from the said water works, the number of tenants supplied with water, the extent and value of the movable and immovable property thereunto belonging, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management, and all other contingencies, salaries of officers and servants, the cost of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be acquired for the use of the said water works, and generally such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the said city of Toronto a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the corporation of the city of Toronto, and in order that all the accounts relating to the said water works may be audited by the auditors of the said corporation in regular course. 35 V. c. 79, s. 9; 37 V. c. 75, s. 1.

Oaths of office. - Records of proceedings.

10. The said commissioners and the clerks employed in their revenue shall be sworn before a justice of the peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings; which said book shall be open

for inspection, as the books in the preceding section mentioned. 35 V. c. 79, s. 10.

11. The board of commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion; Provided always that all hydrants, conduits or other appliances which the corporation of the city of Toronto may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the city of Toronto shall direct, and shall be under their exclusive control and direction when erected. 35 V. c. 79, s. 11.(a). Powers as to use of water.

12. The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate, or rent which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment, and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property by the water works, and the locality in which the same is situated: and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be, and continue a lien or charge, unless paid, upon such real estate; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs, and public buildings; Provided always, unless the existing works of the Metropolitan Water Works Company or the City of Toronto Water Works Company, shall be purchased from the said company, or otherwise obtained by the said corporation of the city of Toronto, no compulsory rate or rent shall be levied or collected in any portions of the city, where the pipes of the said water works are now laid. 35 V. c. 79, s. 12. Water rates.
Lien for rates.
Water rates.
Lien on property.

13. After the time granted for the construction of the said works, all water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over quarterly by the said commissioners to the chamberlain of the city of Toronto, and by him placed to the credit of the water works account: and the commissioners shall Rates paid to be paid to chamberlain.
Powers to enforce by-laws.

(a) See as to further powers 40 Vict. c. 39, s. 9 (Ont.), p. 547.

To enforce
payment.

have power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management and conduct of the said water works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times, (which shall be quarterly or half yearly) when, and the places where, the same shall be payable; also for allowing a discount for pre-payment, and, in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found within the city of Toronto, and county of York, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Court Act*; Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises. 35 V. c. 79, s. 13; 37 V. c. 75, s. 2; 52 V. c. 73, s. 1.

Powers to employ city collectors and others.

14. The commissioners shall have power, with the consent of the corporation of Toronto, to employ the city collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall, from time to time, require; and such collectors or assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the cities of the Province of Ontario do now possess and enjoy. 35 V. c. 79, s. 14.

Penalty for drawing off water.

15. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount. 35 V. c. 79, s. 15.

Penalty for fouling water.

16. If any person shall bathe or wash or cleanse any cloth, wool, leather, skin, or animals, or place any nuisance

or offensive thing within the distance of three miles from the source of supply for such water works, in any lake, river, pond, source or fountain from which the water of the said water works is obtained, or shall convey or cast, cause or throw, or put any filth, dirt, dead carcasses or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer, or drain to run or to be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

35 V. c. 79, s. 16.

17. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof), any person being occupant, tenant, or inmate of any house supplied with water from the said water works from vending, selling, or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate, or determine for issuing to the inhabitants of the city a continued and abundant

Penalty for
wrongfully
using water.

supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied. 35 V. c. 79, s. 17.

Laying service pipes.

18.—(1.) In all cases where a vacant space intervenes between the outer line of street and the wall of the building into which the water is to be taken, the water works commission may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the engineer of the said commission.

Expense of laying service pipes by whom to be borne.

(2.) The expense incidental to the laying of such service pipes if laid by the commission or of superintending the laying of the same if laid by any other person, shall be payable on demand to the said commission, or if not so paid, may be collected forthwith in the same manner as water rates: Provided that in any one case the said expense of superintending the laying of such service, if laid by any other person as aforesaid, shall not exceed one dollar. 40 V. c. 39, s. 5.

Service pipes, stop cocks, etc.

19. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed thereon by the commissioners, shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building, shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of premises. 35 V. c. 79, s. 19.

Taps.

20. All parties supplied with water by the commissioners, may be required to place only such taps for the drawing and the shutting off the water as may be approved of by the commissioners. 35 V. c. 79, s. 20.

Non-liability for breakage.

21. Neither the water commissioners nor the corporation of the city, shall be liable for damages caused by the breaking of any service-pipe or attachment, or for any shutting off of the water, to repair mains, or to tap the pipes. 35 V. c. 79, s. 21; 37 V. c. 75, s. 3.

Right of access.

22. It shall be lawful for the officers of the Water Commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose to all parts of every building in which water is

delivered and consumed and also at the same hours and with the like notice to enter into and upon the lands and houses of any person or corporation for the purpose of erecting water meters therein and for the purpose of inspecting or altering the same. 35 v. c. 19, s. 22; 40 V. c. 39, s. 6.

23. If any person or persons not being in the employ-^{Penalty for}
ment of the water commissioners, or not being a member ^{injuries.}
of the fire brigade of the said city and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence, a sum not exceeding twenty dollars for water works purposes, or in default of payment, be imprisoned in the gaol of the county for a term not to exceed thirty days, and each time the said hydrants are so interfered with, and each day said obstruction shall continue shall be considered a separate offence. 35 V. c. 79, s. 23.

24. A majority of said commissioners shall constitute Quorum.
a quorum for the transaction of any business allowed or required by virtue of this Act. 35 V. c. 79, s. 24.

25. The said commissioners shall have the full, entire ^{Powers to}
and exclusive possession, control and management of the ^{manage,}
said lands and water works, and all things appertaining ^{prosecute, etc.}
thereto; and shall and may in the name of the commissioners of water works for the city of Toronto prosecute or defend any action or actions, suit or suits, or process at law or in equity against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, damage, trespass, spoil, nuisance, or other wrongful act done, committed, or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners. 35 V. c. 79, s. 25.

26. The water commissioners are hereby empowered ^{Powers of ex-}
to arrange with the corporation, or with individuals for ^{tension in}
the extension of pipes in suburbs or partially built portions ^{suburbs.}
of the city by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit on the cost of the said pipes when laid by the parties

under the direction of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties in addition to the usual water rate a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time, and collected in the same manner as the water rates. 35 V. c. 79, s. 26.

Powers to supply outside Toronto.

27. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the city of Toronto, and may exercise all other powers necessary to the carrying out of their agreements with such corporations or persons as well within the townships of York, Scarborough, and Etobicoke, as within the city of Toronto; and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory provided that no power or authority shall be exercised under this clause without the consent and approbation of the corporation of the city of Toronto. 35 V. c. 79, s. 27.

Protection in exercise of office.

28. The commissioners and their officers shall have the like protection in the exercise of their respective offices, and in the execution of their duties as justices of the peace now have under the laws of this Province. 35 V. c. 79, s. 28.

Power to issue debentures.

29. For the purpose of constructing the said water works, and paying the interest on the said debentures during the progress of the works and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the city of Toronto, shall have power to issue debentures of the said corporation of the city of Toronto, to be called Water Works Debentures, for a sum of money not exceeding two million dollars (b) of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money as shall to the said corporation seem expedient, which debentures shall be made payable in manner and at the times following, that is to say: within a period of thirty years from the date of the respective issues thereof, and shall bear interest after the rate of five, six or seven per centum per annum, such interest to be payable half yearly: and such debentures shall be signed by the mayor and chamberlain of the said city for the time being, and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the council of the corporation of the city of Toronto, shall seem expedient or necessary; and the said council of the corpora-

(b) The amount of debentures authorized by 35 Vict. c. 79, s. 29 (Ont.) was \$500,000, which was increased to \$1,100,000 by 37 Vict. c. 75, s. 4 (Ont.). See also 39 Vict. c. 64, s. 1 (Ont.), p. 546.

tion of the city of Toronto and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on same semi-annually, raise annually after the completion of the said works, or at the expiration of three years from the date of the first issue of such debentures, such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full as the same shall become due respectively, and shall order a rate for that purpose, to be settled, imposed, and levied in each and every year to pay said principal and interest on such debentures; and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in Council, before contracting the said debt, but the said debentures to be issued hereunder shall be valid and effectual and binding to all intents and purposes on the corporation of the city of Toronto, notwithstanding any of the provisions of the Municipal Act, or of any other Act or Acts in that behalf, have not been complied with. 35 V. c. 79, s. 29; 37 V. c. 75, s. 4; 39 V. c. 64, s. 1.

30. Such debentures, when issued, shall be deposited in some of the chartered banks having an office at Toronto, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the mayor and chamberlain, for the time being, of the city of Toronto, and the chairman, for the time being of the said board of water commissioners as may, from time to time, be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works; Provided also that nothing herein contained shall prevent the commissioners, should they deem it advantageous so to do, from paying the contractor or contractors or others, in debentures, either at par or at such rate of discount as the commissioners shall, in their judgment, deem advisable with the assent of the corporation of the city of Toronto thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the city of Toronto. 35 V. c. 79, s. 30.

Dealing with
debentures.

31. The said water works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and

Preferential
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all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto for securing the payment of the said debentures and the interest thereon. 35 V. c. 79, s. 31.

Application
of revenue.

32. That after the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works to be acquired by the said corporation or commissioners under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works be paid over to and deposited quarterly with the chamberlain of the said corporation of the city of Toronto, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly. 35 V. c. 79, s. 32; 37 V. c. 75, s. 5.

Power of the
city to bor-
row not di-
minished.

33. That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the corporation aforesaid hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any Act, statute, or law, or provision thereof to the contrary notwithstanding. 35 V. c. 79, s. 33.

Taxation, ex-
emption from.

34. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining or belonging to the water works, shall, from henceforth, be exempt from taxation. 35 V. c. 79, s. 34.

Actions, limi-
tations of.

35. If any action or suit shall be brought against any person or persons, for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. 35 V. c. 79, s. 35.

Officers to be
officers of the
peace.

36. The watchman and other officers of the water commissioners, when in discharge of their duty, shall be *ex officio* possessed of all the powers and authority of officers of the peace. 35 V. c. 79, s. 36.

By-law for
construction
to be submit-
ted to elec-
tors.

37. This Act shall not have any force or effect until the council of the corporation of the city of Toronto, shall pass a by-law authorizing the construction of the said water works; and on the said by-law being finally passed, it shall be lawful for the mayor of the said city, and he is

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hereby authorized and required within fifteen days after the passage of the said by-law, to issue his warrant, under the corporate seal, requiring the senior returning officer for each ward in the said city appointed to hold the last municipal election for each of the said wards, or any other person duly appointed to that office to hold an election of the water commissioners for each electoral division of the said city, each of whom shall be possessed in his own right or in right of his wife of a legal or equitable freehold within the city of Toronto, of the value of three thousand dollars, over and above all incumbrances; or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some justice of the peace of the city of Toronto, or in the county of York, and those persons only who would be, by the municipal law, authorized to vote at municipal elections for aldermen, shall be entitled to vote for the said water commissioner in their electoral division; the returning officer shall hold such election at furthest within eight days after receiving the warrant, and shall, at least, four days before the election, post up a public notice thereof, under his hand, in at least four of the most public places in each ward for the electoral division in which the election is to be held, and the proceedings at any such election shall otherwise be in accordance with the requirements of *The Municipal Institutions Act* in case of municipal elections. 35 V. c. 79, s. 37.

38. There shall be five commissioners, of whom the mayor of the city of Toronto shall be *ex officio* one, and four of whom shall be elected by the citizens, two from each electoral division of the city of Toronto, as at present defined, in manner and for the term hereinafter mentioned and provided, and each of whom during the construction of the said works, shall receive the sum of one thousand two hundred and fifty dollars per annum, except the president or chairman of such commissioners, who shall receive the sum of two thousand dollars per annum, and who shall be elected from amongst the said commissioners at the first meeting after their appointment or election, by a vote of the majority of the said commissioners; and after the completion of the said works, the remuneration of the said commissioners shall be such as the council of the corporation of the city of Toronto may by by-law determine. 35 V. c. 79, s. 38.

Commissioners, number of, salary, etc.

39. The said water commissioners, except as herein otherwise provided, shall hold office for the term of two years, and shall be elected to the said office at the same time and in the same manner as aldermen; and all the provisions and remedies of the several Municipal Acts, and any amendments thereto, shall apply in all particulars, not

Term of office and election of Commissioners.

inconsistent with this Act, as to elections, unseating, filling vacancies, grounds of disqualification, and such other provisions as may be contained in such Acts; Provided that the commissioners first elected and appointed, as above provided, shall hold office until the third Monday in January, A. D., one thousand eight hundred and seventy-four, and thereafter shall be elected every second year, except the mayor for the time being, who shall thereafter be appointed *ex officio* from year to year; and any alderman shall be eligible for election as a water commissioner, and any water commissioner for alderman. 35 V. c. 79, s. 39.

Time for completion.

40. The said works shall be constructed, completed, or finished within five years from the passing of the said by-law by the said corporation of the city of Toronto 35 V. c. 79, s. 40; 37 V. c. 75, s. 9 (c).

Work to be by contract.

41. All work under the commissioners shall be performed by contract. 35 V. c. 79, s. 41.

No commissioner to be interested.

42. No commissioner or alderman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them. 35 V. c. 79, s. 42.

When commissioners may purchase.

43. The said commissioners shall not purchase or acquire any existing water works, or make any other purchase where the amount involved shall exceed one hundred thousand dollars, without the consent of the council of the corporation of the city of Toronto. 35 V. c. 79, s. 43.

37 Vict. c. 75 (Ont.)

An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the corporation of the City of Toronto to construct Water Works in the City of Toronto."

[Assented to 24th March, 1874.]

* * * * *

Liability for damage done to works.

6. All persons and corporations whomsoever who shall by themselves, or their servants, or agents, by act, default,

(c) The time for the completion of the works was further extended until 31st December, 1877, by 39 Vict. c. 64, s. 4 (Ont.), p. 547.

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neglect, or omission, occasion any loss, damage, or injury to the water works, or any plant, machinery, fitting part, or appurtenances thereof, shall be liable to the said corporation, or the said commission for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation of the city of Toronto, by suit in any court of competent jurisdiction. 37 V. c. 75, s. 6.

7. No anchor shall at any time be dropped within a distance of fifty yards on either side of the line of buoys marking the position of the pipe across the harbour. 37 V. c. 75, s. 7.

Anchors not to be dropped near pipes.

8. The said commission may set up in any house, building, or place, and use a meter or meters for the purpose of gauging the quantity of water used in such house, building, or place. 37 V. c. 75, s. 8.

Gauging meters.

* * * * *

10. The said corporation may, with the concurrence of the said water works commission, sell and convey any lands purchased for the said water works, but which shall cease to be required, or which they shall deem unnecessary therefor, free from any charge, mortgage, or lien created by said Act or this Act; the proceeds arising from any such sale to be added to and form part of the funds for the construction of water works to be paid into some chartered bank having an office in Toronto, and shall be expended and paid out in the like manner, and for the like purposes, as the proceeds of water works debentures under the provisions of the said Act, passed in the thirty-fifth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine. 37 V. c. 75, s. 10 (d).

Power to sell certain lands. Application of proceeds.

39 Vlot. c. 64, (Ont.)

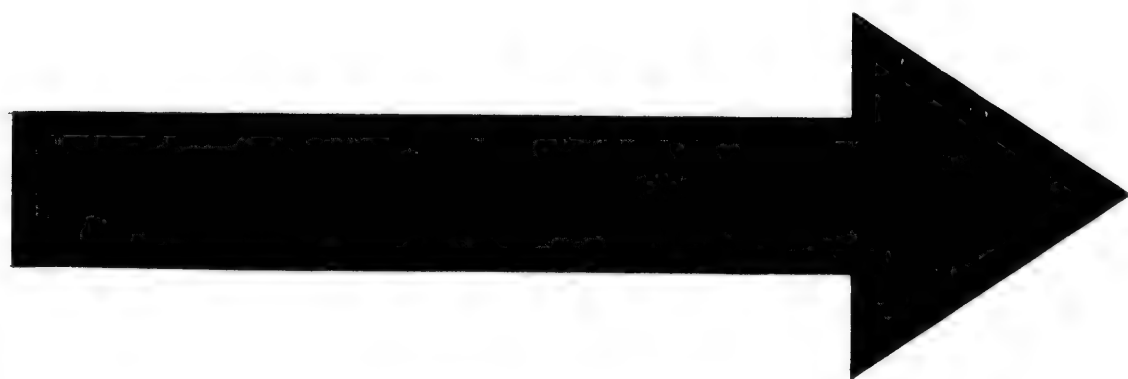
An Act to amend the Acts relating to the Toronto Water Works.

[Assented to 10th February, 1876.]

WHEREAS the corporation of the city of Toronto have petitioned for certain amendments to the Act passed

Preamble.

(d) See 39 Vict. c. 64, ss. 2, 3 (Ont.), p. 546.



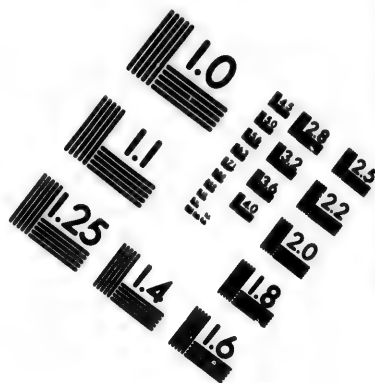
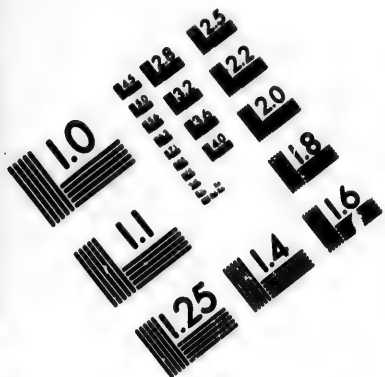
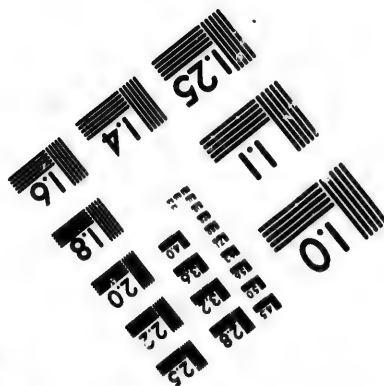
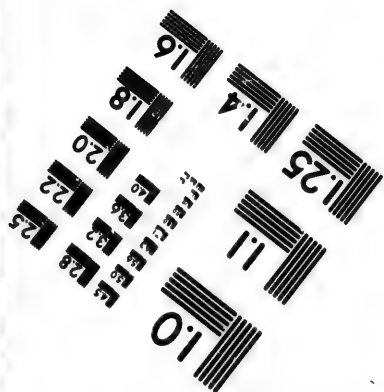
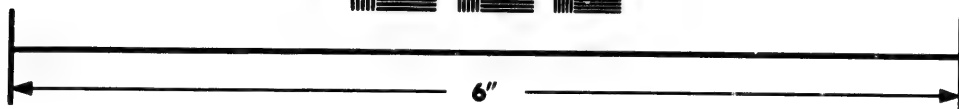
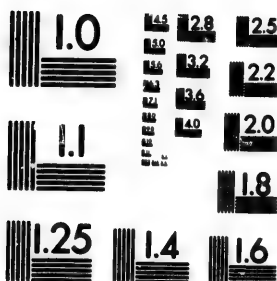


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in the thirty-fifth year of Her Majesty's reign, chapter seventy-nine, intituled *An Act to authorise the corporation of the city of Toronto to construct Water Works in the city of Toronto*, and to amend the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-five, intituled *An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine*: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
issue debentures.

1. The said corporation of the city of Toronto shall, without taking a vote of the ratepayers, have power from time to time, or at any one time, to issue debentures in accordance with the provisions of the said Act, passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy-nine, to an extent not exceeding in the whole nine hundred thousand dollars in addition to the sum of eleven hundred thousand dollars, mentioned in the fourth section of the said Act passed in the thirty-seventh year of the reign of Her Majesty and chaptered seventy-five (making a total sum not exceeding two millions of dollars), and all provisions of the said Act chaptered seventy-nine shall apply to the said debentures and to the holders thereof, and to the sums of money to be borrowed thereon, in the same way as if the issue of the said debentures had been authorized by the said Act, chaptered seventy-nine and the provisions thereof had been made specially applicable to them, and all the debentures issued under the said Acts, and this Act shall rank equally and without priority as if all had been issued at the same time. 39 V. c. 64, s. 1.

Sale of land
under 37 V.,
c. 75, s. 10.

2. Upon any sale of lands under the tenth section of the said Act, chaptered seventy-five, the same when sold shall be free from any charge, mortgage or lien created by this Act, and the said recited Acts or either of them. 39 V. c. 64, s. 2.

Sale of land
under 37 V.,
c. 75, s. 10.

3. The corporation of the city of Toronto may make sales of lands under the said tenth section of the said Act, chaptered seventy-five, on credit, and may take back a mortgage or mortgages thereon to secure the purchase money or any portion thereof, and shall have all the rights, powers and remedies whatsoever expressed in, or implied by, or incident to every and any such mortgage as fully in every event as if such mortgage had been made to a private individual and this enactment shall apply to any sale made prior to the passing of this Act. 39 V. c. 64, s. 3.

4. The time for the completion of the said water works limited by the ninth section of the said Act, chaptered seventy-five is hereby extended until the thirty-first day of December, one thousand eight hundred and seventy-seven, and upon the said date the said commission and the powers and duties thereof shall cease and be determined, and the said water works shall thenceforth be controlled by a committee to be annually appointed for that purpose by the corporation of the city of Toronto; provided that the provisions of this section, except as to the extension of the time for the completion of the said works, shall not take effect or come into operation unless and until on or before the 30th day of November, one thousand eight hundred and seventy-seven, the assent of the ratepayers of the said city of Toronto, entitled to vote on by-laws requiring the assent of the ratepayers, shall have been first obtained thereto, by a vote taken thereon in the manner prescribed by *The Act respecting Municipal Institutions in Ontario*, for taking a vote on such by-laws. 39 V. c. 64, s. 4; 40 V. c. 39, s. 7.

Extension of
time for com-
pletion of
water
works.

* * * * *

6.(d) All service pipes which may be required shall henceforth be constructed and laid down up to the outer line of the street by the said commission, who shall be solely responsible for keeping the same in repair, and the owners of the premises up to which the same may extend shall pay to the commission the cost of constructing and laying down such service pipe and such cost shall be a charge on said premises and shall be payable to the commission on demand, and if not so paid may be collected in the same manner as water rents or rates. 39 V. c. 64, s. 6; 40 V. c. 39, s. 8.

Service Pipes.

7. The corporation of the city of Toronto shall have power by resolution of council to appoint their city engineer as a consulting engineer of the said commission from the day of the passing of this Act to the thirty-first day of December, one thousand eight hundred and seventy-seven, and as the sole engineer of the said commission after the said last mentioned date. 39 V. c. 64, s. 7.

Consulting
engineer to
the water
works.

40 Vict. c. 39 (Ont.)

An Act respecting the City of Toronto, the Toronto Water Works and other matters.

[Assented to 2nd March, 1877.]

* * * * *

35 V. c. 79, s. 11, amended.

Power to enter houses in order to place meters, conferred.

9.(e) In addition to the powers conferred by the eleventh section of the [said] Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, the water works commission for the city of Toronto are empowered at proper hours of the day and upon reasonable notice given and request made by them for that purpose, to place meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose or for the purpose of protecting or of regulating the use of any such meter to set or alter the position of the same or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations; and such price and the expense of such alterations may be collected in the same manner as water rates. 40 V. c. 39, s. 9.

Penalty on altering meters.

10. Any person who shall wilfully alter any meter placed as in the last section mentioned, so as to lessen or alter the amount of water registered thereby or so as to cause the quantity registered or used to be falsely indicated, shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any justice of the peace for the city of Toronto or for the county of York, and in case such penalty and costs are not paid forthwith, the justice may commit the offender to the common gaol of the county of York for any period not exceeding thirty days, unless the said penalty and costs are sooner paid. 40 V. c. 39, s. 10.

City may assume lands of water works commission for city purposes.

11. The corporation of the city of Toronto may at any time within three months after the passing of this Act upon paying to the said water works commission the sum of sixty seven thousand five hundred dollars, assume and acquire for the general purposes of the said corporation, all the lands purchased for the said water works from the City of Toronto Water Company and the Furniss family, excepting the Phoebe street property, and except-

(e) Sections 1, 2, 3, and 4, see note (a) p. 267. Sections 5 and 6, see p. 538. Sections 7 and 8, see p. 547.

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ing such portions of the said lands as have been heretofore sold and conveyed, and thereupon such lands so assumed and acquired shall be and remain vested in the said corporation of the city of Toronto free from all rights and claims of the said water works commission and free from any mortgage or lien created by any of the Acts relating to the said water works. 40 V. c. 39, s. 11.

12. If the said corporation of the city of Toronto do not assume and acquire the said land for general purposes and pay the said amount to the water works commission as provided in the last preceding section hereof, then it shall be the duty of the said corporation of the city of Toronto to sell and convey the said lands or portions thereof from time to time under and pursuant to the provisions of the tenth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-five, whenever they shall be required by the said water works commission to do so, and to such persons for such prices and upon such terms as the said water works commission shall require, unless and except in the case of any such sale so required as aforesaid there be reasonable and good cause for the said corporation refusing to make the same, the reasonableness and sufficiency of such cause to be determined by the court of Chancery or any judge thereof upon the application of any party interested, in a summary way, or by any court or judge having jurisdiction or power to grant a mandamus to compel the making of such sale and conveyance upon an application for a mandamus. 40 V. c. 39, s. 12.(f)

If not so assumed, lands to be sold.

* * * * *

41 Vict. c. 41 (Ont.)

An Act respecting the City of Toronto, and Toronto Water Works.

[Assented to 7th March, 1878.]

WHEREAS, the council of the corporation of the city of Toronto have petitioned the legislature for such enactments as will remove all doubts respecting the powers and duties, rights and privileges of the said corporation as respects the control and management of the Toronto water

Preamble.

(f) For the remaining sections of this Act, See p. 215, et seq.

works, under a committee of the council to be annually appointed: And, whereas it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers of the water works commission vested in the city corporation.

1. All the powers and duties, rights and privileges conferred upon, vested in and enjoyed, and exercised by the water works commission for the city of Toronto, by and under the several statutes passed by the legislature of the Province of Ontario in that behalf, namely: the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy-nine, and intituled *An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto*; the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-five, intituled *An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the corporation of the City of Toronto, to construct Water Works in the City of Toronto,"* the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered sixty-four, and intituled *An Act to amend the Acts relating to the Toronto Water Works*, and the Act passed in the fortieth year of the reign of Her Majesty, chaptered thirty-nine, and intituled *An Act respecting the City of Toronto, The Toronto Water Works and other matters*, are to be deemed and taken, as having become vested in the corporation of the city of Toronto, on the thirty-first day of December, one thousand eight hundred and seventy-seven, when the water works commission for the city of Toronto, and the powers and duties thereof, under the provisions of the said Acts were determined, and ceased, leaving the Toronto works to be controlled and managed by a committee appointed by the council of the corporation of the city of Toronto, from their own members. 41 V. c. 41, s. 1.

Confirmation of acts done by the city and committee.

2. All the said acts of the said corporation of the city of Toronto, and of the committee so appointed to manage the said water works, so far as consistent with the provisions of the above mentioned statutes done by them or either of them, since the said thirty-first day of December, one thousand eight hundred and seventy-seven, in connection with the control and management of the said Toronto water works are hereby confirmed. 41 V. c. 41, s. 2.

Corporation to have the powers of the water works commission.

3. From and after the date of the passing of this Act, the said corporation of the city of Toronto, shall have, hold, use, exercise, and enjoy all the powers and duties, rights and privileges, had, held and used, enjoyed and

exercised by the water works commission for the city of Toronto, under the provisions of the several statutes above mentioned, prior to the thirty-first day of December, one thousand eight hundred and seventy-seven, and hereafter in the reading and application of the said several statutes, "the council of the corporation of the city of Toronto," or "council," or "corporation," shall and may be substituted for the words, "the water works commission for the city of Toronto," "water commissioners," "commissioners," and "commission," where and wherever it may be necessary to carry out the intention of this Act." 41 V. c. 41, s. 3.

4. No person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation of the city of Toronto, by reason of his taking or using the water supplied by the Toronto water works, or by reason of his having any contract with the corporation of the city of Toronto, in respect of such taking or using. 41 V. c. 41, s. 4.

47 Vict. c. 59 (Ont.)

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

* * * * *

7. To secure additional pumping power and other improvements now imperatively necessary in connection with the Toronto water works; * * * it shall and may be lawful for the [said] council of the city of Toronto to pass by-laws from time to time and as occasion thereto require, without obtaining the assent of the electors thereto, before the final passing thereof, for borrowing money by the issue of debentures or city stock on the credit of the city at large, to the amount and for the purposes following, that is to say :

(1) To an amount not exceeding the sum of one hundred and sixty thousand dollars for the purpose of providing additional pumping power for and otherwise improving and perfecting the Toronto water works. 47 V. c. 59, s. 7, (1).

* * * * *

Powers of city
not abridged
by provisions
of this Act.

8. Provided, nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which the said council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts. 47 V. c. 59, s. 8.

Act not to be
construed as
authorizing
an extension
of city debt.

9. Provided always that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five. 47 V. c. 59, s. 9.

Act to be in-
corporated
with municip-
al and assess-
ment Acts.

10. This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto. 47 V. c. 59, s. 10.

54 Vlot. c. 82 (Ont.)

An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

* * * * *

Transfer of
surplus
moneys to
water works
account.

11. The [said] corporation may transfer to the credit of the general construction account of the water works department of the said city any surplus moneys remaining on hand of the sum of \$577,587 authorized by a vote by the ratepayers entitled to vote on money by-laws to be raised for certain specific purposes, as set forth in the recital to by-law 2310 of the said corporation, printed (in part) as schedule "B" hereto. 54 V. c. 82, s. 11.

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SCHEDULE "B."

(Section 11.)

No. 2310. A by-law to provide for the issue of "general consolidated loan three and one-half per cent. debentures" to the amount of \$577,587 for certain permanent improvements by way of additions and increases in the Toronto water-works.

Whereas * * * it is expedient and necessary to raise by loan on the credit of the said city the sum of \$577,587 for the purpose of effecting certain permanent improvements in said city, being in the nature of additions to and increases in the water-works service of the said city, together with interest thereon at the rate of three and one-half per cent. per annum for forty years; and whereas the cost of the said improvements (\$577,587) is made up as follows: (1) The approximate cost of a new four-foot conduit pipe with cast-iron tank and connections with a six-foot wooden conduit pipe on the Island \$284,337. (2) The approximate cost of the extension of a thirty-six inch pumping main from engine house connecting with the twenty-four inch main on Front street and the thirty-inch main on Wellington street, \$25,000. (3) Twelve-inch distributing mains on Queen street, Yonge street, College street, Gerrard street, Eastern avenue, Leslie street, Broadview avenue, Dupont street, Jarvis street, and Adelaide street, \$166,250. (4) Two two-million gallon engines, enlarging engine house, and other works at high level pumping station, \$102,000. Total, \$577,587: And whereas it will require the sum of \$20,215.55 to be raised annually for a period of forty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$4,331.90 to be raised annually during the same period for the forming of a sinking fund of three-fourths of one per centum per annum for the payment of the debt created by this by-law, according to the provisions of the above recited Act, making in all the sum of \$24,547.45 to be raised annually as aforesaid; and whereas it is necessary that such annual sum of \$24,547.45 shall be raised and levied in each year during the said period of forty years by a special rate sufficient therefor on all the ratable property in the municipality of the city of Toronto.

Therefore, etc.

54 V. c. 82, Sched. B.

YORKVILLE.

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1. ANNEXATION TO THE CITY.

46 Vict. c. 46 (Ont.)

An Act respecting the City of Toronto and the Village of Yorkville (a), and other matters.

[Assented to 1st February, 1883.]

Preamble.

WHEREAS the corporation of the city of Toronto and the village of Yorkville by their petitions have represented that it is desirable to annex the village of Yorkville to the city of Toronto, and provide for future extension of the limits of the city of Toronto, and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Village of Yorkville annexed to Toronto as a new ward, to be known as the ward of St. Paul.

1. All that part of the township of York, in the county of York, heretofore comprised within the limits of the village of Yorkville set forth in the proclamation dated at Quebec the twenty-third day of April in the year of our Lord one thousand eight hundred and fifty-two, as follows, that is to say:—Commencing at the south-west angle of lot number twenty-two in the second concession from the Bay in the township of York, thence along the westerly limit of the said lot northerly seventy-two chains twenty-three links, thence on a course parallel to the front of the said concession easterly to Yonge street, thence along the westerly limit of Yonge street southerly to the limit between lots numbers seventeen and eighteen on the easterly side of Yonge street produced, thence, across Yonge street to the easterly limit thereof, thence along the limit between lots numbers seventeen and eighteen aforesaid easterly forty-one chains ten links, thence southerly on a course parallel to Yonge street across lots eighteen, nineteen and twenty on the easterly side of Yonge street to the allowance for road between the first and second concession from the Bay, thence along the northerly limit of the allowance for road aforesaid westerly to the place of beginning, is hereby annexed to and shall be henceforth included

(a) The village of Yorkville was incorporated on 1st January, 1853, by proclamation dated 23rd April, 1852 and its boundaries were defined as in section 1 of this Act.

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within the limits of the city of Toronto (which limits are hereby extended so as to include the same), and shall constitute a new ward of the city of Toronto, to be known as the ward of St. Paul, subject to the same provisions of law as if such addition had been made under the Act respecting municipal institutions in the Province of Ontario and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act. 46 V. c. 46, s. 1.

2. The assessment rolls and voters' lists of the village of Yorkville for the year one thousand eight hundred and eighty two, as finally revised for that year, are hereby confirmed, and the council of the corporation of the city of Toronto is, subject to the other provisions of this Act in that behalf hereby authorized to adopt the same by by-law to be passed for that purpose as and for the assessment rolls and voters' lists for the ward of St. Paul for the year one thousand eight hundred and eighty-three, and no further or other assessment for the said ward of St. Paul for the year one thousand eight hundred and eighty-three need be made. 46 V. c. 46, s. 2.

3. The reeve and two deputy-reeves elected for the village of Yorkville at the municipal elections held for the year one thousand eight hundred and eighty-three, shall be, and they are hereby declared to be, the three aldermen for the said ward of St. Paul for the year one thousand eight hundred and eighty-three, after this Act shall come into force.

(2) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of two public school trustees for the said ward of St. Paul under the provisions of the statutes in that behalf, providing for the filling of vacancies occurring during the year, and the trustees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for the balance of the current year, and one for the balance of the current year and one year thereafter; the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place. 46 V. c. 46, s. 3.

4. All property, both real and personal, of whatsoever nature and kind, and wheresoever situate, and all deeds, books, papers, writings and other documents belonging to or under the control of or in the possession of the council of the corporation of the village of Yorkville, or of any officer, servant, or agent of the said corporation, are hereby declared to be the property of the corporation of the city of Toronto, and shall forthwith be delivered to such persons and officials as the council of the corpora-

Assessment
rolls and
voters' lists of
Yorkville for
1882 con-
firmed, and
their adoption
for 1883
authorized.

Reeves and
deputy reeves
of Yorkville
elected in
1883 to be
the aldermen
of the ward
of St. Paul.

School trust-
tees.

All property
of corporation
of Yorkville
vested in the
corporation of
Toronto.

tion of the city of Toronto shall appoint for that purpose.
46 V. c. 46, s. 4.

Toronto to be
liable for
debts and ob-
ligations of
Yorkville.

5. All existing liabilities, lawful debts and obligations of the village of Yorkville, and also all such portions of the liabilities, debts or other obligations of the county of York as the said village of Yorkville would have to bear or sustain if this Act had not been passed, including the proportion now payable under the special agreement between the corporation of the county of York and the corporation of the city of Toronto, providing for the administration of justice and the maintenance of the courts, are hereby declared to be the liabilities, debts and obligations of the corporation of the city of Toronto, and shall be met, discharged, observed, and kept by the corporation of the city of Toronto, according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of the city of Toronto. 46 V. c. 46, s. 5.

Added lands
not free from
obligations
contracted by
township or
county, or
from special
rate.

6. Nothing in this Act contained shall exempt any part of the lands so added to the city of Toronto aforesaid from liability from the debts and obligations contracted before the passing of this Act by the county or township or other municipality of which the said lands formed a part, or from any special rate or assessment imposed thereon or on any part thereof by any by-law heretofore passed by the council of the said village of Yorkville, and all such by-laws are hereby confirmed. 46 V. c. 46, s. 6.

Obligation of
sureties pre-
served.

7. All sureties for the several officials of the village of Yorkville shall be and remain liable as if they had become sureties for such officials to the city of Toronto in the first instance, and all bonds and sureties which shall have been given to the said village of Yorkville at any time before this Act comes into force shall enure to the benefit of the corporation of the city of Toronto, and the said corporation shall have all the rights and remedies thereto and thereunder and be entitled to recover thereon to the same extent and under the like circumstances as the said village of Yorkville could have done had it remained a separate municipality. 46 V. c. 46, s. 7.

Settlement
of claims ex-
isting be-
tween the
county of
York and the
village of
Yorkville.

8. The councils of the corporation of the city of Toronto and the county of York respectively are hereby authorized to settle and agree upon all questions, claims, demands or disputes now existing between the said village and county councils, or which may arise out of the annexation of the said village of Yorkville to the said city of Toronto, but in the event of the said councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of *The Municipal Act* in that behalf. 46 V. c. 46, s. 8.

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9. The council of the corporation of the city of Toronto and the councils of the several incorporated villages now existing, or which may hereafter exist, in the township of York, situate adjacent to the limits of the city of Toronto, are hereby severally authorized and empowered to enter into such arrangements as may be necessary, upon such terms as may be agreed upon, for the annexation of the territory comprised within the limits of any such incorporated village to the city of Toronto, but no such annexation shall take effect until the same shall have been submitted to and approved of by the vote of the freeholders of such village entitled to vote at municipal elections and when the council of such village may determine, but always under the provisions of *The Municipal Act* in that behalf. 46 V. c. 46, s. 9.

10. In the event of the annexation of any such incorporated village to the city of Toronto having been approved of in manner provided in the last preceding section, the same shall be effected by proclamation of the Lieutenant-Governor in Council who may issue his proclamation under the provisions of *The Municipal Act* annexing any such village to the said city. 46 V. c. 46, s. 10.

11. Such proclamation shall name a day when the same shall take effect, and from which such village shall cease to exist as a separate municipality. 46 V. c. 46, s. 11.

12. On and after the day named in any such proclamation for the annexation of any such incorporated village to the city of Toronto to take effect, the third fourth, fifth, sixth, seventh and eighth sections of this Act, except in so far as the same shall have been varied by any agreement in that behalf made between the council of the corporation of the city of Toronto and the council of any such incorporated village, shall so far as applicable apply to such village and to the corporation thereof as if the same had been expressly named in the said sections of this Act instead of the said village of Yorkville or the corporation thereof, as the case may be, and the then last revised assessment rolls and voters' lists of such village firstly in this section above mentioned may be adopted by the council of the said city by by-law to be passed for that purpose, as and for the then last revised assessment rolls and voters' lists of the city of Toronto for that part thereof included within the limits of such addition, and the same shall be valid and binding for all purposes, until superseded by new assessment rolls and voters' lists thereafter made in conformity with the several Acts in that behalf. 46 V. c. 46, s. 12.

Provision for annexation of incorporated villages adjacent to Toronto with assent of rate-payers.

Annexation to be effected by proclamation of Lieutenant-Governor.

Proclamation to name a day on which the village shall cease to be a separate municipality.

Sections 2-8 of this Act to apply to village after the day named in proclamation except where varied by agreement.

City of Toronto to assume roads and bridges within present or future limits.

13. The council of the corporation of the city of Toronto shall, so soon as any addition is made to the said city under the provisions of this Act, by by-law from time to time take possession of and assume all roads and bridges being the property of and belonging to the county of York, situate within the limits of any such addition when so made as aforesaid, subject however to the right of the said county to receive proper compensation therefor, and in the event of the said council not being able to agree with the said county on the amount of compensation for any such road or bridge, then and in every such case such compensation shall be determined by arbitration under the provisions of *The Municipal Act* in that behalf. 46 V. c. 46, s. 13.

Gratuity to clerk of Yorkville to be included in liabilities of Yorkville.

14. Any sum of money heretofore granted by the council of the corporation of the village of Yorkville to William H. Archer, the clerk of the said council, and not exceeding his aggregate salary or other remuneration for the three years of his service next prior to the passing of this Act, shall be considered one of the liabilities and legal debts of the village of Yorkville, and shall be paid by the corporation of the city of Toronto, as provided for by section five of this Act. 46 V. c. 46, s. 14.

* * * * *

2 DEBT AND DEBENTURES.

27-28 Vict. c. 76.

An Act to authorize the Corporation of the Village of Yorkville, to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been set aside.

[Assented to 30th of June, 1864.]

Effete.

45 Vict. c. 48 (Ont.)

An Act to Consolidate the General Debenture Debt of the Village of Yorkville.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the village of Yorkville, ^{Preamble.} by their petition, have represented that they have incurred a general debenture debt to the amount of one hundred and forty-three thousand seven hundred and sixty-one dollars, secured by the debentures of the corporation, and have prayed that the said debenture debt may be consolidated, and that they may be authorized to issue debentures for that purpose, less the sum of thirty-one thousand three hundred and seventy dollars, being the amount now at the credit of the sinking fund in respect of said outstanding debentures, and which last mentioned amount is to be applied to the full extent thereof towards payment of said outstanding debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said general debenture debt of the corporation of the village of Yorkville is hereby consolidated at the sum ^{Debts consoli-} dated at the sum of ^{sum of} one hundred and forty-three thousand seven hundred and sixty-one dollars, and it shall and may be lawful to and for the said corporation of the village of Yorkville to raise by way of loan, upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, ^{Power to} who may be willing to lend the same, a sum of money not exceeding one hundred and twelve thousand three hundred and ninety-one dollars of the lawful money of Canada, said last mentioned sum being the amount of the said existing general debenture debt less the amount mentioned in the preamble to this Act as now standing to the credit of the sinking fund in respect thereof. 45 V. c. 48, s. 1. ^{borrow.}

2. It shall and may be lawful for the said corporation of the village of Yorkville to pass a by-law or by-laws, ^{Authority to} authorizing the said loan of one hundred and twelve thousand and three hundred and ninety-one dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated General Debenture Loan Rate," over and above and in addition to all ^{pass by-law} ^{for new} ^{debentures.}

other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned. 45 V. c. 48, s. 2.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. 45 V. c. 48, s. 3.

Debentures may be issued to the amount of \$112,391.

4. It shall and may be lawful for the municipal council of the said corporation of the village of Yorkville, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the reeve and countersigned by the Treasurer of the said village for the time being, for such sums not exceeding in the whole the said sum of one hundred and twelve thousand three hundred and ninety-one dollars as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly. 45 V. c. 48, s. 4.

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same, with the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year, for forty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 45 V. c. 48, s. 5.

Application of proceeds.

6. The funds derived from the negotiation and sale of the debentures authorized by this Act, together with the said sum of thirty-one thousand three hundred and seventy dollars now at the credit of the sinking fund mentioned in the preamble to this Act, shall be applied in and to the payment of the said existing general debenture debt of one hundred and forty-three thousand seven hundred and sixty-one dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the village of Yorkville, or elsewhere in this Province, or invested in government

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securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council, and such bank or government shall from time to time agree upon, or in such other securities as may be authorized by the Lieutenant-Governor in Council, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or any part thereof, and not otherwise. 45 V. c. 48, s. 6.

7. The treasurer of the said village shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, and out of the moneys standing to the credit of said sinking fund as aforesaid, or may, with the like consent, substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures. 45 V. c. 48, s. 7.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied. 45 V. c. 48, s. 8.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said village for the time being, to invest from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the said debentures, to be issued in pursuance of this Act, for the then current year, in either the bank or government securities mentioned in the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, or on such other securities as may be authorized by the Lieutenant-Governor in Council; and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said last mentioned debentures, or the said outstanding debentures and other liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures, and not otherwise, nor for any other purpose whatever. 45 V. c. 48, s. 9.

Inconsistent provisions in municipal acts not to apply.

Irregularity not to render by-law or debentures invalid.

Liability of corporation not discharged.

Proviso as to outstanding school debentures.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 45 V. c. 48, s. 10.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Yorkville from any indebtedness or liability which may not be included in the said debt of one hundred and forty-three thousand seven hundred and sixty-one dollars. 45 V. c. 48, s. 11.

12. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said village of Yorkville are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed. 45 V. c. 48, s. 12.

3. WATER WORKS.

35 Vict. c. 81 (Ont.)

An Act to incorporate the Yorkville Water Works Company.

[Assented to 2nd March, 1872.]

Effete.

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